

BAY COUNTY BOARD OF COMMISSIONERS

A G E N D A

TUESDAY, OCTOBER 12, 2010

4:00 P.M.

COMMISSION CHAMBERS, FOURTH FLOOR, BAY COUNTY BUILDING

PAGE NO.

I CALL TO ORDER (CHAIRMAN ELDER)

II ROLL CALL

III INVOCATION

IV PLEDGE OF ALLEGIANCE

71-88 **V MINUTES (9/14/10)**

VI CITIZEN INPUT (4:00 P.M.)

VII PETITIONS AND COMMUNICATIONS

A. Special Presentations (4:00 p.m.)

1. Safe Fish and Game Consumption Grant Program Award (Health Department presentation)

B. Public Hearing (4:00 p.m.) - Proposed 2011 Bay County Budget/L4029-County Executive to overview proposed budget **(Receive)**

1 C. Bay County Treasurer - Reappointment of William Tacey, Hampton Township Treasurer, to Bay County Land Bank Authority to a 3 Year Term **(Concur with reappointment of William Tacey to Bay County Land Bank Authority - 3 year term)**

2 D. U. S. Department of Housing and Urban Development - Public Housing Assessment System (PHAS) Score Report for the Transition Year - Center Ridge Arms **(Receive)**

3 - 5 E. City of Bay City - Application for Industrial Facilities Tax Exemption Certificate Bay Cast Technologies, Inc. - \$800,000 **(Receive)**

F. Requests for Reappointment/Appointment to Bay County Department of Human Services Board of Directors **(Receive)**

- 6- 7 1. Frederick L. Dryzga (Incumbent)
- 8-14 2. Thomas L. Starkweather

VIII REPORTS/RESOLUTIONS OF COMMITTEES

**A. WAYS AND MEANS (DONALD J. TILLEY, CHAIR;
EUGENE F. GWIZDALA, VICE CHAIR)**

- 15 1. No. 2010-208 - Renewal of Bay Future, Inc. Agreement
- 16 2. No. 2010-209 - Delinquent Tax Revolving Fund - Transfer of Funds
(Treasurer)
- 17 3. No. 2010-210 - Waiver of Board's Ordinance Adoption Process
- 18-42 4. No. 2010-211 - Amendments to Bay County Employees' Retirement
System Ordinance - IRS (Corporation Counsel)
- 43 4. No. 2010-212 - Budget Adjustment Related to Strong Families, Safe
Children DHS Grant (MSU Extension)
- 44 5. No. 2010-213 - Breeched Contract Funds (Animal Control)
- 45 6. No. 2010-214 - Michigan Department of Agriculture Grant Application
(Animal Control)
- 46 7. No. 2010-215 - Renewal of Bay Health Plan Agreement (Health
Department)
- 47 8. No. 2010-216 - HIPAA Security Services Agreement w/VIOPOINT, Inc.
(Health Department)
- 48 9. No. 2010-217 - FY 2010-2011 Comprehensive Planning, Budgeting
and Contracting Agreement (CPBC) (Health Department)
- 49 10. No. 2010-218 - Extension of Agreement w/Earl's Spray Services
(Mosquito Control)
- 50 11. No. 2010-219 - Housing Rehabilitation - PIP-Plus Funds - MSHDA
(Housing Rehabilitation Program)
- 51 12. No. 2010-220 - Bay Area Community Foundation Grant (Division on
Aging)
- 52-57 13. No. 2010-221 - 2010 Assessment Rolls (Drain Commissioner)
- 58 14. No. 2010-222 - Endorsement of Library Millage

59-60

15. No. 2010-223 - Budget Adjustments (Various)

**B. PERSONNEL/JUDICIAL (ERNIE KRYGIER, CHAIR;
KIM COONAN, VICE CHAIR)**

61

1. No. 2010-224 - Commercial Services Program Contract w/Michigan Department of State (District Court)

62

2. No. 2010-225 - Vacancies: Community Corrections Program; Division on Aging

**C. HUMAN SERVICES (MICHAEL J. DURANCZYK, CHAIR;
VAUGHN J. BEGICK, VICE CHAIR)**

63

1. No. 2010-226 - A&D Home Health Care Home Health Care Waiver Agreement for FY 2011 (Division on Aging)

64

2. No. 2010-227 - Per Meal Rate Adjustment (Division on Aging)

**D. BOARD OF COMMISSIONERS (BRIAN K. ELDER,
CHAIR; PATRICK H. BESON, VICE CHAIR)**

65

1. No. 2010-228 - Accounts Payable/Center Ridge Arms

66-70

2. No. 2010-229 - Reports of County Executive

IX REPORTS OF COUNTY OFFICIALS/DEPARTMENTS

A. County Executive

X UNFINISHED BUSINESS

XI NEW BUSINESS

XII MISCELLANEOUS

XIII ANNOUNCEMENTS

A. 2010 Appointments:

1. October

a. Bay County Department of Human Services Board of Directors (One 3 year term expiring: Frederick Dryzga)

2. December

- a. **Division on Aging Advisory Council (Five 2 year terms, Districts 2, 4, 6, 8 and at-large)**

XIV CLOSED SESSION (If requested)

A. Corporation Counsel - Pending Litigation

Motion: To go into closed session pursuant to MCLA 15.268, Sec. 8 (e): To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only when an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body.

XV RECESS/ADJOURNMENT



COUNTY OF BAY

515 Center Avenue, Suite 103 Bay City, MI 48708-5122

RICHARD F. BRZEZINSKI
BAY COUNTY TREASURER

Phone: (989) 895-4285
Fax: (989) 895-4082
brzezinski@baycounty.net

To: Brian Elder, Chair of Bay County Board of Commissioners
Date: September 24, 2010
Re: Appointment to Bay County Land Bank Authority

Request:

Approval of a representative from local units of government to serve for a three year term on the Bay County Land Bank Authority.

Background:

The intergovernmental agreement between the Michigan Land Bank Fast Track Authority and Bay County requires two of the Authority's members to be representatives of local units of government selected by a majority of the County Board. Last year one member was appointed for a two year term and the other appointed to a one year term. After the expiration of the initial term, then these positions become three year terms.

William Tacey, Hampton Township Treasurer served for a one year term and has expressed an interest in serving for the three year term. Mr. Tacey has been an active and valuable member during the initial year of the Land Bank Authority. He also serves as the Authority's Treasurer.

Recommendation:

I respectfully request the Board's appointment of William Tacey to a three year term on the Bay County Land Bank Authority.



U. S. Department of Housing and Urban Development
OFFICE OF PUBLIC AND INDIAN HOUSING
REAL ESTATE ASSESSMENT CENTER

Report Date: 9/24/2010

Public Housing Assessment System (PHAS) Score Report for the Transition Year

PHA Code:	MI166
PHA Name:	Bay County Housing Department
Fiscal Year End:	12/31/2009

PHAS Indicators	Score	Maximum Score
Physical	27	30
Financial	28	30
Management	28	30
Resident	7	10
PHAS Total Score	90	100
PHAS Designation	High Performer	

Initial PHAS score Issued date: 9/24/2010

Financial Sub-Indicators	Score	Maximum Score
1. Current Ratio	9.00	9.00
2. Months Expendable Funds Balance	7.77	9.00
3. Tenant Receivable Outstanding	4.05	4.50
4. Occupancy Loss	4.50	4.50
5. Net Income	1.50	1.50
6. Expense Management	1.50	1.50
Less: Audit Penalties	0.00	
Total Financial Score	28.32	30.00

Notes:

1. The sum of the sub-Indicator scores may not equal the overall score due to rounding.
2. PCNE adjustment will not display in REAC's on-line system.
3. REAC on-line system may display data which is more current than the data shown on this Score Report.



September 24, 2010

Mr. Brian Elder, Chairman
Bay County Board of Commissioners
515 Center Avenue
Bay City, MI 48708

RE: Application for Industrial Facilities Tax Exemption Certificate

Bay Cast Technologies, Inc., Bay City, Michigan, has submitted an application for an Industrial Facilities Tax Exemption Certificate for property located at 2611 Center Avenue, Bay City, MI, filed under State of Michigan Act 198, Plant Rehabilitation and Industrial Development District Law of 1974, as amended.

In accordance with Section 5(2) of the Act, you are hereby notified that the application was filed in the amount of \$800,000 for land, building improvements, machinery and equipment.

A response is requested by Friday, October 15, 2010. A public hearing on the application will be held by the City Commission at their October 18, 2010, meeting scheduled at 7:30 PM in the Commission Chambers, City Hall.

Questions pertaining to the Act or the application may be directed to Amy DeHaan-Legge, City Assessor, at 894-8123.

CITY OF BAY CITY

Dana L. Muscott, MMC
Deputy City Manager of Administrative Services/
City Clerk

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RECEIVED

SEP 10 2010

Application for Industrial Facilities Tax Exemption Certificate

Issued under authority of Public Act 198 of 1974, as amended. Filing is mandatory.

ASSESSOR
CITY OF LANSING

INSTRUCTIONS: File the original and two copies of this form and the required attachments (three complete sets) with the clerk of the local government unit. The State Tax Commission (STC) requires two complete sets (one original and one copy). One copy is retained by the clerk. If you have any questions regarding the completion of this form or would like to request an informational packet, call (517) 373-3272.

To be completed by Clerk of Local Government Unit	
Signature of Clerk	Date received by Local Unit
STC Use Only	
Application Number	Date Received by STC

APPLICANT INFORMATION

All boxes must be completed.

1a. Company Name (Applicant must be the occupant/operator of the facility) Bay Cast Technologies, Inc.		1b. Standard Industrial Classification (SIC) Code - Sec. 2(10) (4 or 6 Digit Code) 3829	
1c. Facility Address (City, State, ZIP Code) (real and/or personal property location) 2611 Center Ave., Bay City, MI 48708		1d. City/Township/Village (Indicate which) Bay City	1e. County Bay
2. Type of Approval Requested <input checked="" type="checkbox"/> New (Sec. 2(4)) <input type="checkbox"/> Speculative Building (Sec. 3(8)) <input type="checkbox"/> Research and Development (Sec. 2(9))		3a. School District where facility is located Bay City Public	3b. School Code 09010
<input type="checkbox"/> Transfer (1 copy only) <input type="checkbox"/> Rehabilitation (Sec. 3(1))		4. Amount of years requested for exemption (1-12 Years) 12 Years	

5. Per section 5, the application shall contain or be accompanied by a general description of the facility and a general description of the proposed use of the facility, the general nature and extent of the restoration, replacement, or construction to be undertaken, a descriptive list of the equipment that will be part of the facility. Attach additional page(s) if more room is needed.

SEE ATTACHED.

6a. Cost of land and building improvements (excluding cost of land) * Attach list of improvements and associated costs. * Also attach a copy of building permit if project has already begun.	\$800,000.00 Real Property Costs
6b. Cost of machinery, equipment, furniture and fixtures * Attach itemized listing with month, day and year of beginning of installation, plus total	\$1,325,000.00 Personal Property Costs
6c. Total Project Costs * Round Costs to Nearest Dollar	\$2,125,000.00 Total of Real & Personal Costs

7. Indicate the time schedule for start and finish of construction and equipment installation. Projects must be completed within a two year period of the effective date of the certificate unless otherwise approved by the STC.

	Begin Date (M/D/Y)	End Date (M/D/Y)	
Real Property Improvements	5/24/10	12/31/10	<input checked="" type="checkbox"/> Owned <input type="checkbox"/> Leased
Personal Property Improvements	5/1/10	3/31/11	<input checked="" type="checkbox"/> Owned <input type="checkbox"/> Leased

8. Are State Education Taxes reduced or abated by the Michigan Economic Development Corporation (MEDC)? If yes, applicant must attach a signed MEDC Letter of Commitment to receive this exemption. ☐ Yes ☒ No

9. No. of existing jobs at this facility that will be retained as a result of this project. 26

10. No. of new jobs at this facility expected to create within 2 years of completion. 4

11. Rehabilitation applications only. Complete a, b and c of this section. You must attach the assessor's statement of SEV for the entire plant rehabilitation district and obsolescence statement for property. The Taxable Value (TV) data below must be as of December 31 of the year prior to the rehabilitation.

a. TV of Real Property (excluding land)	
b. TV of Personal Property (excluding inventory)	
c. Total TV	

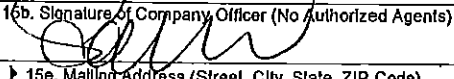
12a. Check the type of District the facility is located in: <input checked="" type="checkbox"/> Industrial Development District <input type="checkbox"/> Plant Rehabilitation District	
12b. Date district was established by local government unit (contact local unit) 8/24/98	12c. Is this application for a speculative building (Sec. 3(8))? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

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APPLICANT CERTIFICATION - complete all boxes.

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all are truly descriptive of the industrial property for which this application is being submitted.

It is further certified that the undersigned is familiar with the provisions of P.A. 198 of 1974, as amended, being Sections 207.551 to 207.572, inclusive, of the Michigan Compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Industrial Facilities Exemption Certificate by the State Tax Commission.

13a. Preparer Name Michael L. Hanisko	13b. Telephone Number (989) 922-6429	13c. Fax Number (989) 895-1267	13d. E-mail Address mikeh@wf-cpas.com
14a. Name of Contact Person Scott S. Holman	14b. Telephone Number (989) 892-9500	14c. Fax Number (989) 892-9598	14d. E-mail Address holmanss@baycast.com
15a. Name of Company Officer (No Authorized Agents) Scott S. Holman			
15b. Signature of Company Officer (No Authorized Agents) 		15c. Fax Number (989) 892-9598	15d. Date 9/10/10
15e. Mailing Address (Street, City, State, ZIP Code) 2611 Center Ave., Bay City, MI 48708		15f. Telephone Number (989) 892-9500	15g. E-mail Address holmanss@baycast.com

LOCAL GOVERNMENT ACTION & CERTIFICATION - complete all boxes.

This section must be completed by the clerk of the local governing unit before submitting application to the State Tax Commission. Check items on file at the Local Unit and those included with the submittal.

16. Action taken by local government unit <input type="checkbox"/> Abatement Approved for _____ Yrs Real (1-12), _____ Yrs Pers (1-12) After Completion <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Denied (Include Resolution Denying)		16b. The State Tax Commission Requires the following documents be filed for an administratively complete application: Check or Indicate N/A if Not Applicable <input type="checkbox"/> 1. Original Application plus attachments, and one complete copy <input type="checkbox"/> 2. Resolution establishing district <input type="checkbox"/> 3. Resolution approving/denying application. <input type="checkbox"/> 4. Letter of Agreement (Signed by local unit and applicant) <input type="checkbox"/> 5. Affidavit of Fees (Signed by local unit and applicant) <input type="checkbox"/> 6. Building Permit for real improvements if project has already begun <input type="checkbox"/> 7. Equipment List with dates of beginning of installation <input type="checkbox"/> 8. Form 3222 (if applicable) <input type="checkbox"/> 9. Speculative building resolution and affidavits (if applicable)	
16a. Documents Required to be on file with the Local Unit Check or Indicate N/A if Not Applicable <input type="checkbox"/> 1. Notice to the public prior to hearing establishing a district. <input type="checkbox"/> 2. Notice to taxing authorities of opportunity for a hearing. <input type="checkbox"/> 3. List of taxing authorities notified for district and application action. <input type="checkbox"/> 4. Lease Agreement showing applicants tax liability.		16c. LUCI Code	
17. Name of Local Government Body		16d. School Code	
		18. Date of Resolution Approving/Denying this Application	

Attached hereto is an original and one copy of the application and all documents listed in 16b. I also certify that all documents listed in 16a are on file at the local unit for inspection at any time.

19a. Signature of Clerk	19b. Name of Clerk	19c. E-mail Address
19d. Clerk's Mailing Address (Street, City, State, ZIP Code)		
19e. Telephone Number	19f. Fax Number	

State Tax Commission Rule Number 57: Complete applications approved by the local unit and received by the State Tax Commission by October 31 each year will be acted upon by December 31. Applications received after October 31 may be acted upon in the following year.

Local Unit: Mail one original and one copy of the completed application and all required attachments to:

State Tax Commission
Michigan Department of Treasury
P.O. Box 30471
Lansing, MI 48909-7971

(For guaranteed receipt by the STC, it is recommended that applications are sent by certified mail.)

STC USE ONLY				
1. LUCI Code	2. Begin Date Real	3. Begin Date Personal	4. End Date Real	5. End Date Personal

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Deanne Berger - Application for Appointment to County Board

From: <postmaster@netsource-one.net>
To: <bergerd@baycounty.net>
Date: 9/14/2010 11:18 AM
Subject: Application for Appointment to County Board

FieldName: What Board Are You Applying For?

FieldValue: BAY COUNTY HUMAN SERVICES (DHS) BOARD

FieldName Name:

1:

FieldValue FREDERICK L. DRYZGA

1:

FieldName Address:

2:

FieldValue 110 BOEHRINGER CT.

2:

FieldName City, State, Zip Code:

3:

FieldValue BAY CITY, MI 48708

3:

FieldName Home Phone:

4:

FieldValue 989 8940925

4:

FieldName Business Phone:

5:

FieldValue

5:

FieldName Occupation:

6:

FieldValue RETIRED

6:

FieldName Employer:

7:

FieldValue BAY COUNTY HEALTH DEPT

7:

FieldName Are you a resident of Bay County?

8:

FieldValue Yes

8:

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FieldName How Long?

9:

FieldValue 62 YRS

9:

FieldName List your interests and qualifications for the above Board or

10: Commission

FieldValue MEMBER OF THE DHS BOARD SINCE 2004, CURRENTLY CHAIRMAN.

10:

FieldName List any other information you feel would be pertinent in assisting the
11: County Board of Commissioners in their selection.

FieldValue HAVING SERVED ON THE DHS BOARD FOR THE PAST 6 YEARS, I AM
11: KEENLY AWARE OF CRITICAL ISSUES CONCERNING BOTH THE DHS
AND THE MEDICAL CARE FACILITY. MY REAPPOINTMENT WILL
ENABLE ME TO BE AN INTREGAL PART IN THE CONTINUED SUCCESS
OF THE TWO ORGANIZATIONS.

FieldName What is your e-mail address?

12:

FieldValue DUNLOPBAYCO@HOTMAIL.COM

12:

ctI00

\$Search:

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Deanne Berger - Application for Appointment to County Board

From: <postmaster@netsource-one.net>
To: <bergerd@baycounty.net>
Date: 9/16/2010 10:45 AM
Subject: Application for Appointment to County Board

FieldName: What Board Are You Applying For?

FieldValue: Human Services Board of Directors

FieldName Name:

1:

FieldValue Thomas L. Starkweather

1:

FieldName Address:

2:

FieldValue 1113 McKinley Avenue

2:

FieldName City, State, Zip Code:

3:

FieldValue Bay City, MI 48708

3:

FieldName Home Phone:

4:

FieldValue 989 892 4463

4:

FieldName Business Phone:

5:

FieldValue 989 892 4463

5:

FieldName Occupation:

6:

FieldValue Certified General Real Estate Appraiser, Real Estate Broker

6:

FieldName Employer:

7:

FieldValue Self Employed

7:

FieldName Are you a resident of Bay County?

8:

FieldValue Yes

8:

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FieldName How Long?

9:

FieldValue 21 years

9:

FieldName List your interests and qualifications for the above Board or
10: Commission

FieldValue Former Vice Chairman of the Bay Medical Care Facility. Advisor to the
10: Bay County Building Authority, Current member and former Chairman
of the Bay City Brownfield Development Authority, Current member
and former President of the Bay City Economic Development
Commission.

FieldName List any other information you feel would be pertinent in assisting the
11: County Board of Commissioners in their selection.

FieldValue THOMAS L. STARKWEATHER

11:

AMERICAN REAL ESTATE ADVISORS

1113 McKinley Avenue

P.O. Box 141

Bay City, Michigan 48707-0141

Phone (989) 892-4463 E-mail tom@area-appraisers.com

SUMMARY:

Over 35 years Commercial Real Estate Experience including Appraisal,
Mortgage Banking, Underwriting and Consultation.

ACCOMPLISHMENTS:

AMERICAN REAL ESTATE ADVISORS (A.R.E.A.) 1986-PRESENT

A sole proprietorship, providing advisory services in the areas of real property and business, including development, appraisal, consultation, feasibility and underwriting. Clients include both large and small financial institutions, corporations and individuals. A.R.E.A.'s network of associated professionals in development and lending has been established over more than 20 years experience and is truly national, from coast to coast, in scope.

AMERICAN DIVERSIFIED SAVING BANK 1984-1986

SENIOR VICE PRESIDENT IN CHARGE OF MORTGAGE OPERATIONS

- 9 -

(FHLBB)

CHAIRMAN OF CREDIT POLICY COMMITTEE (FHLBB)

Joined this ailing Savings and Loan to restructure both its mortgage lending policies and operations. On February 14, 1985, after FSLIC take-over I was retained (with both titles and positions) to continue these new and ethical policies during that period of reorganization. Under reorganization, new director ship was subsequently established by late 1986.

CROCKER MORTGAGE COMPANY 1982-1984

EXECUTIVE VICE PRESIDENT – CROCKER MORTGAGE COMPANY - LOS ANGELES

VICE PRESIDENT - CROCKER NATIONAL BANK

SENIOR CREDIT OFFICER - CROCKER NATIONAL BANK

Underwrote and negotiated a \$65,000,000 joint venture on behalf of Crocker National Bank which resulted in a 50% return on equity and a \$52,000,000 construction loan with a \$1,250,000 fee for the bank and a \$350,000 fee for the mortgage company. All fees and profits were booked and the loan was paid in full.

Designed and participated in Crocker National Bank's Real Estate Committee which reviewed all bank real estate investments, resulting in a direct reduction of non performing loans.

Secured unique authorization from the Federal Reserve to allow Crocker to arrange equity financing which opened a new line of business generating over \$800,000 in new fee income.

Conceived and wrote initial servicing evaluation model which provided Crocker Mortgage Company the valuation to sell over \$700,000,000 of servicing providing a \$6,000,000 profit.

NEW YORK LIFE INSURANCE COMPANY 1968-1982

SECOND VICE PRESIDENT, REAL ESTATE MORTGAGE LOAN DEPARTMENT - NEW YORK

ASSISTANT VICE PRESIDENT AND ASSISTANT CHIEF

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APPRAISER - NEW YORK

REGIONAL APPRAISER - CHICAGO

SENIOR APPRAISER - DETROIT

Conceived and implemented the nations first conventionally backed single family pass-thru certificate for \$80,000,000. This concept is now accepted throughout the single family lending industry.

Introduced the program of bullet loan financing with capital from pension fund G.I.C. accounts. This now represents the bulk of life insurance lending.

Created a system-wide word processing network with a communication link nationally, thereby reducing loan-processing time over 30%.

Developed a profit center budget generating system reducing processing time from one month to five days, and providing management information on all business lines.

Implemented a processing fee schedule for Loan Administration Division which generated new income in excess of divisional operational costs.

Participated in the design and initial sales of New York Life's Real Estate Separate Account designed for pension funds, resulting in generating \$25,000,000 of new real estate capital during the first year of sales.

Introduced the program of a domestic letter of credit as a replacement for liquidated damages on mortgage loan commitments. This is now a standard industry procedure.

Launched Internal rate of return analysis (IRR) on equities and joint ventures at New York Life while holding position of acting Chief Appraiser, a position formerly held by L.W. (Pete) Ellwood. This methodology has been accepted as the industry standard.

Developed the theory and wrote the tables for mortgage loans with

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payments calculated in arrears and payable in advance.

EDUCATION:

University of Connecticut, B.S. 1968

Majors in Real Estate and Finance

Minors in Economics and Urban Economics

Qunninipiac College

Major in Accounting

Columbia University

School of General Studies

American Institute of Real Estate Appraisers

AIREA Course I, II, successfully challenged Course VI and completed Course IV

Completed Experience Requirements for MAI Designation In 1977

New York Life Insurance Company Advanced Management Training

Crocker National Bank Advanced Management Training

Life Insurance Executives Seminars-Rockford, IL

REAL ESTATE AND WORK EXPERIENCE:

Over 28 years experience as a commercial mortgage loan underwriter and appraiser for the life insurance, commercial bank, savings and loan industries. Appointed as an executive officer under the FSLIC management by consignment program. Acting as a Real Estate Consultant for the past fifteen years.

AFFILIATIONS:

American Guld of Appraisers, Guld 44, AFL-CIO

National Assocation of Review Appraisers and Mortgage

Underwriters. (CRA, RMU)

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American Bankers Association

Mortgage Bankers Association

California Mortgage Bankers Association

Southern California Mortgage Bankers Association

National Association of Home Builders

Urban Land Institute

COMMITTEE ASSIGNMENTS:

NEW YORK LIFE INSURANCE COMPANY

Real Estate and Mortgage Loan Committee

Corporate Strategic Planning Committee

Electronics Applications Committee

CROCKER NATIONAL BANK

Real Estate Industries Investment Committee

Executive Committee of Crocker Mortgage Company

AMERICAN DIVERSIFIED SAVINGS BANK

(Appointed under FSLIC MCP Program)

Chairman of Investment Committee

Management Committee

Executive Committee

Finance Committee

CONTINUING EDUCATION:

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As a result of State and professional licenses and designations I have attended and continue to attend over 20 hours of continuing education annually for the last 35 years.

State Licenses:

Michigan Real Estate Broker

Michigan Brokers License #6501250515

Passed State Certified Appraiser Examination July 16, 1991

Certified General Appraiser-Michigan

Michigan License I.D. #1201001015

Community Service:

Vice President Bay City Economic Development Commission

Vice President Bay City P.O.W.E.R. Fund

President Bay City Brownfield Re-Development Authority

Advisor to Bay County Building Authority

Director Bay County Family Independence Agency

FieldName What is your e-mail address?

12:

FieldValue tom@area-appraisers.com

12:

ctl00

\$Search:

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**BAY COUNTY BOARD OF COMMISSIONERS
10/12/10
RESOLUTION**

- BY: WAYS AND MEANS COMMITTEE (10/5/10)
- WHEREAS, Since October 2004 Bay Future, Inc. has provided effective leadership for economic development for Bay County; and
- WHEREAS, Bay Future, Inc. wishes to continue its economic development efforts in Bay County; and
- WHEREAS, Bay County and Bay Future, Inc. have been parties to a three year Agreement for Services; Therefore, Be It
- RESOLVED That the Bay County Board of Commissioners approves the Agreement for Services between Bay County and Bay Future, Inc. for a three (3) year term with the total compensation not to exceed the annual sum of \$50,000 contingent upon Bay County's appropriation of funding in its annual budget process; Be It Further
- RESOLVED That the Chairman of the Board is authorized to execute Agreement for Services on behalf of Bay County following legal review; Be It Further
- RESOLVED That budget adjustments, if required, are approved;
- RESOLVED That Brian K. Elder is hereby appointed to the Bay Future Board of Directors.

DONALD J. TILLEY, CHAIR
AND COMMITTEE

Bay Future Inc - 2010-2013

MOVED BY COMM. _____

SUPPORTED BY COMM. _____

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Colleen M. Mallette				Brian K. Elder			
Patrick H. Beson				Ernie Krygier				Eugene F. Gwizdala			
Vaughn J. Beglck				Kim Coonan				Donald J. Tilley			

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____

VOICE: YEAS _____ NAYS _____ EXCUSED _____

DISPOSITION: ADOPTED _____ DEFEATED _____ WITHDRAWN _____

AMENDED _____ CORRECTED _____ REFERRED _____

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BAY COUNTY BOARD OF COMMISSIONERS**10/12/10****RESOLUTION**

BY: WAYS AND MEANS COMMITTEE (10/5/10)

WHEREAS, As of July 1, 2010 the Delinquent Tax Revolving fund had \$900,000 on hand following the annual disbursement to the tax units of \$7.2 million and before the 2010 budgeted transfer of \$853,431; and

WHEREAS, The fund has not had to borrow since 1998. Transfers to the general fund have been approximately the amount the fund has earned and has an excess balance of \$900,000 after the 2009 annual disbursement to the tax units. This has been accomplished because the delinquent tax receivable amount has reduced over the years and converted to cash investments. The reduction in delinquent tax receivables is due to: Total new tax rolls reducing after Proposal A; Reduction in the number of tax years outstanding because of the new tax reversion laws; and the percentage delinquent was reducing consistently from 1999 to 2003, most likely due to mortgage refinances paying delinquent taxes current and an increased use of tax escrows for new mortgages; and

WHEREAS, The Bay County Treasurer has provided a detailed annual review of the Delinquent Tax Revolving Fund and makes the following recommendations:

1. Following last year's practice of reducing the Delinquent Tax Revolving Funds earnings to cover the 20% reserve shortfall would result in a transfer of \$506,321 to the General Fund. (Delinquent tax earnings \$1,038,321 minus the \$532,000 shortfall). The 2011 transfer to General Fund would be \$350,110 less than 2010.
2. Even though the Delinquent Tax Revolving Fund has experienced a major increase in delinquent taxes since 2007, the fund has only experienced a slight increase in 2008 and 2009. It is important to note that the 2010 tax roll is expected to be 4.5% less than the 2009 roll due to declining property values. If the per cent delinquent does not increase, then the reduced tax roll will result in \$350,000 less in delinquent taxes in March 2011.
3. Based on the possibility for delinquent taxes reducing, I recommend funding half of the shortfall below the 20% reserve, resulting in a transfer of \$772,321 to the General Fund. This will be \$81,110 less than 2010.

RESOLVED That the Bay County Board of Commissioners authorizes funding half of the shortfall below the 20% reserve, resulting in a transfer of \$772,321 to the General Fund. This will be \$81,110 less than 2010.

DONALD J. TILLEY, CHAIR

AND COMMITTEE

Treasurer - DTRF Status

MOVED BY COMM. _____

SUPPORTED BY COMM. _____

COMMISSIONER	Y	N	YE	N	E	COMMISSIONER	Y	N	YE	N	E	COMMISSIONER	Y	N	YE	N	E
Michael J. Duranczyk						Colleen M. Maillette						Brian K. Elder					
Patrick H. Beson						Ernie Krygler						Eugene F. Gwizdala					
Vaughn J. Begick						Kim Coonan						Donald J. Tilley					

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____
 VOICE: YEAS _____ NAYS _____ EXCUSED _____

DISPOSITION: ADOPTED _____ DEFEATED _____ WITHDRAWN _____
 AMENDED _____ CORRECTED _____ REFERRED _____

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BAY COUNTY BOARD OF COMMISSIONERS

10/12/10

RESOLUTION

- BY: BAY COUNTY WAYS AND MEANS COMMITTEE (10/5/10)
- WHEREAS, Article XIII of the Rules of the Bay County Board of Commissioners outlines a process for consideration of ordinance and ordinance amendments, which requires at least three (3) successive full Board meetings. The process is as follows:
1. The sponsoring committee considers an ordinance or amendment and refers it to the full Board;
 2. The Board rejects or considers the amendment. If the Board elects to consider the ordinance or amendment, a public hearing must be held but not until the NEXT Board meeting (must be convened after 13 days) after publication of proper notice;
 3. If the Board conducts a public hearing, no Board action on the ordinance or amendment may be taken only public input heard and, if any input, those comments are referred back to the sponsoring committee and legal counsel for consideration;
 4. At the next Board meeting, following publication of proper notice, the Board may vote for final passage of the proposed ordinance or amendment by majority vote
- WHEREAS, An alternative process is also provided for in the Board Rules whereby the Board can elect to suspend Article XIII by a 2/3rds majority vote, bypass the requirements (1 through 4 above) and vote on the Ordinance or Ordinance Amendment before them; Therefore, Be It
- RESOLVED By the Bay County Board of Commissioners that, for the sake of expediency, **Article XIII of the Rules of the Bay County Board of Commissioners is hereby suspended** for the adoption of Amendments to the Bay County Employees' Retirement System Ordinance.

DONALD J. TILLEY, CHAIR
AND COMMITTEE

Waiver of Ordinance Adoption Process - 2010 - IRS Amendments

MOVED BY COMM. _____

SUPPORTED BY COMM. _____

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Colleen M. Mallette				Brian K. Elder			
Patrick H. Beson				Ernie Krygler				Eugene F. Gwizdala			
Vaughn J. Beglick				Kim Coonan				Donald J. Tilley			

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____

VOICE: YEAS _____ NAYS _____ EXCUSED _____

DISPOSITION: ADOPTED _____ DEFEATED _____ WITHDRAWN _____

AMENDED _____ CORRECTED _____ REFERRED _____

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BAY COUNTY BOARD OF COMMISSIONERS

10/12/10

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (10/5/10)
WHEREAS, Proposed amendments to the Bay County Employees' Retirement Ordinance have been submitted as Bay County's retirement plan must be updated and sent to the Internal Revenue Service before January 31, 2011 which enables the IRS to determine Bay County's tax qualified status; and
WHEREAS, Bay County just demonstrate that its retirement plan meets requirements of the Internal Revenue Code and, as a result, is eligible to receive certain tax benefits; and
WHEREAS, Bay County's retirement plan must operate for the exclusive benefit of its employees or their beneficiaries; and
WHEREAS, The amendments are attached and reflected in italics and underlined with language proposed for elimination crossed out; Therefore, Be It
RESOLVED By the Bay County Board of Commissioners that the attached amendments to the Bay County Employees' Retirement System Ordinance are adopted, with an effective date upon publication that the Ordinance has been amended.

DONALD J. TILLEY, CHAIR
AND COMMITTEE

Retirement Ord Amendments - IRS

MOVED BY COMM. _____

SUPPORTED BY COMM. _____

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Colleen M. Maillette				Brian K. Elder			
Patrick H. Beson				Ernie Krygler				Eugene F. Gwizdala			
Vaughn J. Begick				Kim Coonan				Donald J. Tilley			

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____

VOICE: YEAS _____ NAYS _____ EXCUSED _____

DISPOSITION: ADOPTED _____ DEFEATED _____ WITHDRAWN _____
AMENDED _____ CORRECTED _____ REFERRED _____

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4.005 Definitions.

Sec. 5.

(a) "*Accumulated member contributions*" means the balance in a member's individual account in the reserve for member contributions and regular interest that has been credited to the member's account annually as prescribed by the Board.

(b) "*Actuarial Equivalent*" means two (2) or more amounts which have the same actuarial present value. Actuarial equivalency shall be determined by using a 7% annual interest rate, compounded annually, and the a unisex blend of the male and female rates from the 1971 Group Annuity -mortality Table, projected to 1984 with ages set back two (2) years. For early retirement, the blended table is made up of 25 % of the male rates and 75% of the female rates. For all other purposes, the blended table is made up of 75% of the male rates and 25% of the female rates.

(c) "*Board*" means the Board of Trustees as provided in Section 8 [Section 4.008] of this Ordinance for the management and administration of the Retirement System.

(d) "*Compensation*" means the salary or wages paid an employee for service rendered to the County while a member of the Retirement System. Salary and wages shall include: longevity pay; cost-of-living allowance; overtime pay; shift differentials; workers' compensation, (excluding medical payments in their entirety and lump-sum settlement payments to the extent provided in Section 7(f) [Section 4.007(f)]); deferred compensation that is paid in lieu of health insurance; pay for periods of absence from work by reason of vacation, holiday, and sickness; and payments in consideration of unused sick leave and vacation time. Compensation shall not include any remuneration or reimbursement not specifically stated in this section, including but not limited to short term disability sickness and accident payments, differential wage payments as described in Code Section 3401(h)(2) and that portion, if any, of salary paid to judges that is converted over to the Judges' Retirement System (MCL 38.2101 et seq.).

Annual compensation in excess of the following amounts \$200,000 shall not be taken into account for any purpose of the Retirement System. :

(i) (i) \$200,000 for calendar years beginning after December 31, 1988 but before January 1, 1994;

(ii) \$150,000 for calendar years beginning after December 31, 1993 but before January 1, 2002; and

(iii) \$200,000 for calendar years beginning after December 31, 2001.

The above limitations in (i), (ii), and (iii) above shall be adjusted for cost-of-living in such manner as the Secretary of the Treasury may prescribe pursuant to Section 401(a)(17) of the Internal Revenue Code.

If the period for determining compensation used in calculating a member's accrual for a determination period is less than a full calendar year (i.e., shorter than 12 months), the annual adjusted limitation is an amount equal to the otherwise applicable annual limitation multiplied by a fraction, the numerator of which is the number of months in the short determination period, and the denominator of which is 12.

In determining the compensation of a member for purposes of this limitation for Plan Years beginning before January 1, 1997, the family aggregation rules under Section 414(q)(6) of the Internal Revenue Code shall apply, except that in applying such rules, the term "family" shall include only the spouse of the member and any lineal descendants of the member who have not attained age 19 before the close of the Plan Year. If, as a result of the application of such rules, the adjusted limitation is exceeded, then the limitation shall be prorated among the affected individuals in proportion to each such individual's compensation as determined under this section prior to the application of this limitation. Effective for Plan Years beginning on or after January 1, 1997, the family aggregation rules under Section 414(q) of the Internal Revenue Code shall not apply in determining a member's compensation for purposes of this limitation.

(e) "Contingent Survivor Beneficiary" means a person designated by a member or retirant to receive a retirement benefit in accordance with Section 47 [Section 4.047].

(f) "County" means the County of Bay of the State of Michigan and its various offices, boards, agencies, and departments, including but not limited to the Bay County Road Commission, the 18th Judicial Circuit Court, the 74th District Court, the Bay County Probate Court, the Bay County Medical Care Facility, the Bay-Arenac Community Mental Health Services Board, the Bay County Housing Commission, the Bay County Library System, the Bay County Department of Water and Sewer. "County" also means the Bay-Arenac Behavioral Health Authority.

(g) "Credited Service" means the service credited a member as provided in Section 29 and Section 32 [Section 4.029 and Section 4.032].

(h) "Employee" means a person employed by the County for personal services. The term "Employee" shall not include any individual who is paid for services as an independent contractor reported on Form 1099, whether or not such individual is actually performing services as a common law employee of the County or is retroactively characterized as an employee of the County through a judicial or administrative determination.

For purposes of this Section 5(h) [Section 4.005(h)], a "leased employee" means any person (other than an Employee of the County) who, pursuant to an agreement between the County and any other person ("leasing organization"), has performed services for the County (or for the County and related persons determined in accordance with Section 414(n)(6) of the Internal Revenue Code) on a substantially full-time basis for a period of at least one year, and such services are performed under the primary direction or control of the County.

A leased employee shall not be considered an Employee if:

(i) such leased employee is covered by a money purchase pension plan providing:

(1) a nonintegrated employer contribution rate of at least 10% of compensation, as defined in Section 415(c)(3) of the Internal Revenue Code, but including amounts contributed pursuant to a salary reduction agreement which are excludable from the employee's gross income under Section 125, Section 402(a)(8), Section 402(h) or Section 403(b) of the Internal Revenue Code;

(2) immediate participation; and

(3) full and immediate vesting; and

(ii) leased employees do not constitute more than 20% of the County's nonhighly compensated workforce;

Contributions or benefits provided to a leased employee by the leasing organization which are attributable to services performed for the County shall be treated as provided by the County.

(i) "Excluded position" means a position of employment described in Section 26 [Section 4.026], which excludes an employee from membership in the Retirement System.

(Amend. adopted 2-4-98)

4.006 Definitions.

Sec. 6.

(a) "Final average compensation" means the average of the annual compensation paid to a member during any five years of credited service producing the highest average if the member has at least five years of credited service. If the member has less than five years of credited service, final average compensation means the aggregate amount of compensation paid to the member divided by the member's years and fractions of a year of credited service.

(b) "Included position" means a position of employment as described in Section 26 [Section 4.026].

(c) "Member" means an employee who is employed in an included position as described in Section 26 [Section 4.026].

(d) "Refund Beneficiary" means a person designated by the member to receive any accumulated member contributions under Section 25 and/or Section 52 [Section 4.025 and/or Section 4.052] of this Ordinance.

wage loss and medical expenses is specified, the Board shall attribute 75% of the lump sum to wage loss and 25% of the lump sum to medical expenses.

(Res. No. 2001-130 adopt. 5-8-01)

4.007.1 One-time annual increase to each annual retirement benefit.

For all Retirement Benefit recipients of record as of May 11, 1999, the effective date of this Amendment, a one-time annual increase of two hundred twenty-five dollars (\$225.00), payable in equal installments, shall be added to each annual Retirement Benefit. For those eligible as defined above, this increase shall be applied to the Retirement Benefit in all subsequent years, so that the amount of two hundred twenty-five dollars (\$225.00), without increase, shall remain part of their Retirement Benefit.

(Res. No. 99-115, 5-11-99)

4.007.2 One-Time annual increase to Retirants of Record on December 31, 2000.

A one-time annual increase shall be applied to Retirement Benefits of all Retirants of record on December 31, 2000, in response to increases in the cost of living. Each of these Retirants shall receive a one-time annual increase to the respective retiree's base pension valued at \$1 (one dollar) per point and proportionate to the following point structure: Two points shall be allotted for each full year the individual has been retired, and, in addition, one point shall be allotted for each full year the individual has been retired, and, in addition, one point shall be allotted for each full year of County service in excess of fifteen (15) years. This Amendment shall become effective and shall commence application upon issuance of the Retirant's third monthly payment subsequent to the date when the State of Michigan County Pension Plan Committee approves the Amendment.

4.007.3 Definitions

(a) "Eligible Rollover Distribution" means any distribution of all or any portion of the balance to the credit of the distributee, except that an Eligible Rollover Distribution does not include:

- (1) any distribution that is one of a series of substantially equal periodic payments (paid not less frequently than annually) paid over the any one of the following periods: the life of the member (or the joint lives of the member and the member's designated beneficiary), the life expectancy of the member (or the joint life and last survivor expectancy of the member and the member's designated beneficiary), or a specified period of 10 years or more;
- (2) any distribution to the extent the distribution is required under Section 401(a)(9) of the Internal Revenue Code relating to the minimum distribution requirements;
- (3) any distribution which is made upon the hardship of the member;
- (4) similar items designate in revenue rulings, notices, and other guidance from the Treasury Department of general applicability.

Effective January 1, 2002, a portion of a distribution shall not fail to be an Eligible Rollover Distribution merely because the portion consists of after-tax employee contributions which are not includable in gross income. However, such portion may be paid only to an individual retirement

account or annuity described in Section 408(a) or (b) of the Internal Revenue Code, or to a qualified defined contribution plan described in Section 401(a) or 403(a) of the Internal Revenue Code that agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includable in gross income and the portion of such distribution which is not so includable.

(b) "Eligible Retirement Plan" means the following:

- (1) an individual retirement account described in Section 408(a) of the Internal Revenue Code;
- (2) an individual retirement annuity (other than an endowment contract) described in Section 408(b) of the Internal Revenue Code;
- (3) a qualified plan described in Section 401(a) of the Internal Revenue Code;
- (4) an annuity plan described in Section 403(a) of the Internal Revenue Code;
- (5) effective January 1, 2002, an annuity contract described in Section 403(b) of the Internal Revenue Code;
- (6) effective January 1, 2002, an eligible plan under Section 457(b) of the Internal Revenue Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from this Retirement System; or
- (7) effective January 1, 2008, a Roth IRA, subject to the requirements of section 408A(c)(3) of the Internal Revenue Code.

Effective January 1, 2002, the definition of an Eligible Retirement Plan shall also apply in the case of a distribution to a surviving spouse, or to a spouse or former spouse who is the alternate payee under an Eligible Domestic Relations Order, as defined in Section 57(a)[4.057(a)].

(c) "Distributee": A "Distributee" includes a Member or former Member. In addition, the Member or former Member's surviving spouse and the Member or former Member's spouse or former spouse who is the alternate payee under an Eligible Domestic Relations Order, as defined in Section 57(a)[4.057(a)] are Distributees with regard to the interest of the spouse or former spouse. Effective January 1, 2010, the non-spouse beneficiary of a Member or former Member also may be a distributee with regard to the interest of the non-spouse beneficiary that is directly transferred to an individual retirement account described in Section 408(a) the Internal Revenue Code or an individual retirement annuity described in Section 408(b) of the Internal Revenue Code.

(d) "Direct Rollover" means a payment by the Retirement System to the Eligible Retirement Plan specified by the Distributee.

4.007.4 Interlocal Agreement Relating to the Bay County Employees' Retirement System.

Effective October 1, 2001, this Interlocal Agreement relating to the Bay County Employees' Retirement System was executed pursuant to the reorganization of Bay-Arenac Community Mental Health Services as the Bay-Arenac Behavioral Health Authority and under authority of MCL 38.691 et seq to allow continuing participation in this Retirement System.

ARTICLE II

4.008 Board of Trustees--Creation; composition; compensation.

reserve.

4.023 Retirement system; financial objective; actuarial determinations; county contributions.

Sec. 23.

(a) The financial objective of this Ordinance is to require annual member and County contributions to the Retirement System so that all obligations of the Retirement System are sufficiently funded.

(b) The Board shall direct the actuary to do all of the following:

(i) Determine the annual level percentage of payroll contribution to finance the benefits provided under this Ordinance by actuarial valuation pursuant to subsections (ii) and (iii) of this subsection, and upon the basis of the risk assumptions that the Board adopts after consultation with the actuary.

(ii) Make an annual actuarial valuation of the Retirement System in order to determine the actuarial condition of the system and the required annual contribution to the system.

(iii) Make an annual actuarial gain-loss experience study of the Retirement System in order to determine the financial effect of variations of actual retirement system experience from projected experience.

(c) The actuary shall compute the contribution rate for monthly benefits payable in the event of death of a member before retirement or the disability of a member using terminal funding method of actuarial valuation.

(d) The actuary shall compute the contribution rate for benefits other than those described in Subsection (b) of this section using an individual projected benefit entry age normal actuarial cost method.

(e) The Board shall determine and adopt the annual County contribution necessary to meet the financial objectives of the Retirement System, after consultation with the actuary, and the County shall annually appropriate and cause the annual County contribution to be paid to the Retirement System.

(f) The Board may establish and alter actuarial valuation assumptions for the Retirement System after consulting with the actuary.

4.024 Member contributions; amounts.

Sec. 24. Each member shall contribute 4% of his/her compensation to the Retirement System as provided in Section 17(b) [Section 4.017(b)], unless otherwise provided in the terms of an applicable collectively-bargained or other employment agreement between the County and members.

4.025 Member contributions; refunds; direct rollover.

Sec. 25.

(a) Except as provided in Subsection (b) of this section, a member's accumulated member contributions (as defined in Section 5(a) [Section 4.005(a)]) shall be refunded 60%

(c) A Member or Distributee otherwise eligible for a refund, may elect a Direct Rollover as follows:

Application. Notwithstanding any provision of this Ordinance to the contrary that would otherwise limit a Distributee's election under this section, a Distributee may elect, at any time and in the manner prescribed by the Board, to have any portion of an Eligible Rollover Distribution paid directly to an Eligible Retirement Plan specified by the Distributee in a Direct Rollover.

- (iv) Members of boards and commissions paid exclusively on a per diem basis;
- (v) Any position held by a person who is included by law in any other pension or retirement system by reason of the compensation paid by the County, except the Federal Old Age, Survivors and Disability Insurance program;
- (vi) Temporary positions except as provided for in Subsection (b) (iv) of this section. For purposes of this section, a temporary position is defined as a position which is of short duration and does not intend to provide continuous employment with the County.
- (vii) Positions filled by part-time employees. For purposes of this section, a part-time employee is an employee who is employed in a position which normally requires service of fewer than 800 hours per calendar year.

(d) The Board shall have the final authority to decide upon membership status if there is any ambiguity under the provisions of this Ordinance.

4.027 Membership; termination.

~~Sec. 27. Except as provided in Section 28 [Section 4.028], a person shall cease to be a member of the Retirement System upon termination of employment or upon becoming employed in an excluded position.~~

Upon reemployment by the County in an included position, a person shall again become a member of the Retirement System except as provided in Section 54 [Section 4.054] of this Ordinance.

4.028 Membership; vested status.

Sec. 28. A person who terminates employment for any reason other than retirement or death, who does not withdraw his or her member contributions under Section 25 [Section 4.025], and who has eight (8) or more years of credited service shall be a vested former member.

ARTICLE IV

4.029 Credited service; earned.

Sec. 29. The Board shall credit each member with the number of years and months of service for which the member has performed service as defined in Section 7(c) [Section 4.007(c)]. The Board shall credit one month of service for each calendar month in which a member serves 65 or more hours. Under no circumstances shall a member be credited with more than twelve (12) months of service in any one calendar year.

4.030 Credited service; forfeiture.

Sec. 30. Except as provided in Section 49(b) [Section 4.049(b)] credited service shall be forfeited if a person, including but not limited to a former vested member, receives a refund of his/her accumulated contributions. Withdrawal of accumulated contributions shall result in loss of credited service, which shall constitute forfeiture of all rights to any benefits provided under this Ordinance.

~~Notwithstanding anything to the contrary in this section, a Member who becomes vested in all or part of his accrued benefit pursuant to a Qualified Transfer under Section~~

4.065, who does not receive a cashout pursuant to Section 4.066, shall be entitled to a Retirement Benefit from the Retirement System subject to all other terms and conditions of the Retirement Ordinance. If such Member withdrew his Accumulated Member Contributions, the amount of his Retirement Benefit shall be determined by subtracting the actuarial equivalent of his Accumulated Member Contributions from his accrued benefit.

4.031 Credited service; reinstatement.

Sec. 31.

(a) A member who has received a refund of his/her accumulated member contributions and has forfeited credited service may have his/her forfeited credited service reinstated upon satisfaction of each of the following conditions:

(i) The member files with the Board a written request for reinstatement on a form prescribed by the Board;

(ii) The member acquires three (3) months of credited service after returning to membership if the break is less than five (5) years. If the break in membership is for five (5) or more years, the member must acquire one (1) year of credited service after returning to membership.

(iii) The Retirement System is paid the total amount of accumulated member contributions previously withdrawn by the member, if any, plus compound interest at a rate which shall be determined by the Board from the date of withdrawal.

(iv) The repayment is initiated and completed upon approval by the Board, but not later than one year from the approval date, but in no case later than the member's date of retirement.

(b) A member who was not eligible to receive a refund of accumulated member contributions pursuant to Section 25 [Section 4.025] may have his/her forfeited credited service reinstated upon satisfaction of one of the following conditions:

(i) The member becomes employed in a membership position.

(ii) The member files a written request for reinstatement on a form prescribed by the Board.

(c) If a member has his/her forfeited credited service reinstated in accordance with Subsection (b) (i) or (ii) of this section the Retirement System shall transfer from the reserve for employer contributions to the reserve for member contributions any member contributions which were transferred pursuant to Section 17(d) [Section 4.017(d)].

4.032 Credited service; military service; conditions.

Sec. 32.

(a) A member who has served in any branch of the Armed ~~service~~ Forces of the United States shall be entitled to credited service for periods of active duty lasting 30 or more days, if each of the following conditions are satisfied:

(i) The member performed the military service in question ("Non-Intervening Military Service") before becoming an Employee;

(ii) The member files with the Board an application for the purchase of military service on a form prescribed by the Board;

(iii) The member submits his/her application and proof of service to the Bay County Board of Commissioners;

(iii) The member has at least eight (8) years of credited service, not including any service credited under this section;

(iv) The member pays to the Retirement System five (5%) percent of his/her annual rate of compensation which the member is earning at time of the approval of the member's application by the Bay County Board of Commissioners, multiplied by the period of service being purchased; and

(v) The Bay County Board of Commissioners approves the purchase through resolution by an affirmative vote of a majority of its members;

(b) A member shall not be credited with more than five (5) years of military service, including any credited military service purchased under former sections of this Ordinance.

(c) Credited service shall not be granted for periods of Non-Intervening mMilitary sService which are or could be used for obtaining or increasing a benefit from another retirement system. Unless extenuating circumstances are presented to the Board's satisfaction, a member may request only one (1) purchase for Non-Intervening mMilitary sService credit and must fully pay for the service credit within one (1) year from the date of approval by the Bay County Board of Commissioners, but not later than the member's retirement date. Failure to comply with these payment requirements shall foreclose any further request and shall result in refunding without interest to the member any partial payments made for the purchase of Non-Intervening mMilitary sService credit.

(d) Effective for transfers of benefits after December 31, 2001, a member who wishes to be credited with credited service corresponding to Non-Intervening Military Service pursuant to Subsection (a) of this section may make a direct trustee-to-trustee transfer of benefits from--

(i) an annuity contract described in Section 403(b) of the Internal Revenue Code; or

(ii) an eligible plan under Section 457(b) of the Internal Revenue Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state

to purchase credited service, as permitted by Sections 403(b)(13)(A) and 457(e)(17)(A) of the Internal Revenue Code, respectively.

(e) Effective December 12, 1994, aAny member who is on a leave of absence by reason of military duty with the Armed Forces of the United States shall receive contributions, benefits, and service credit with respect to qualified military service ("Intervening Military Service") in accordance with the Uniformed Services Employment and Reemployment Rights Act ("USERRA") and Section 414(e) of the Internal Revenue Code. Upon such member's reemployment by the County within the period prescribed by USERRA, the member shall be treated as having received the compensation and credited service that would have been paid or credited to the member as an active employee for the entire period of the member's armed service.

(f) Effective with respect to deaths occurring on or after January 1, 2007, the survivors of a member who dies while performing Intervening Military Service are entitled to any additional benefits (other than benefit accruals relating to the period of Intervening Military Service) provided under the Plan as if the member had resumed and then terminated employment with the County on account of his death. For these purposes, the member shall be credited with credited service for vesting purposes during the period of Intervening Military Service.

(g) Effective on and after December 31, 2008, if the Company makes "differential wage payments" as defined in Code Section 3401(h)(2) to individuals performing qualified military service, then (1) the individual receiving a differential wage payment shall be treated as an Employee of the Company; (2) the differential wage payment shall be treated as Compensation for all Plan purposes, including Code Section 415(c)(3); and (3) the Plan will not be treated as failing to meet the nondiscrimination requirements of Code Sections 401(a)(4), 401(a)(26), 410(b) or 416 by reason of any benefit that is based on the differential wage payment. The exemption from the nondiscrimination rules described in (3) above applies only if all of the employees of all Related Companies performing services in the uniformed services are entitled to receive differential wage payments on reasonably equivalent terms.

4.040 ...

of the survivor beneficiary, the retirant is paid the form of payment SL retirement benefit over the retirant's remaining life. Upon the death of the retirant during the life of the survivor beneficiary, the survivor beneficiary is paid one-half (1/2) of the amount of the form of payment C retirement benefit over the survivor beneficiary remaining life.

(c) Under form of payment SL, A, B, and C, a member may choose to have his/her retirement benefits coordinated with his/her future social security benefits under the federal Old Age, Survivors, and Disability Insurance Act, commonly called the Social Security Act. Under Social Security coordination, the retirant is paid an increased retirement benefit until s/he is eligible to receive normal retirement benefits, at an age prescribed by the Social Security Act, and a reduced retirement benefit for life thereafter. The increased retirement benefit payable until the retirant reaches the normal retirement age as prescribed by the Social Security Act shall approximate the sum of the reduced retirement benefit payable after that age and the retirant's estimated normal retirement age primary insurance payment under the Social Security Act. Social Security coordination is available only to members who retire before attaining the normal retirement age under the Social Security Act.

(d) The amount of the retirement benefit under forms of payment A, B, and C shall have the same actuarial present value, computed as of the effective date of the retirement benefit, as the amount of retirement benefit under form of payment SL.

(e) Payment shall be made under form of payment SL if there is not a timely election of another form of payment.

(f) If a retirant is married at the retirant's date of retirement, any election is ineffective, and a retirement benefit shall not be paid, unless the election of a form of payment other than B or C naming the spouse as beneficiary is signed by the spouse of the retirant, except that this requirement may be waived by the Board if the signature of the spouse cannot be obtained because of extenuating circumstances.

(g) If a retirant is receiving a reduced retirement benefit under form of payments A, B, or C and is divorced from the spouse who had been named as the retirant's survivor beneficiary, the election of a reduced retirement benefit form of payment shall be considered null and void by the Retirement System if a judgment of divorce or award or order of the court, or amended judgment of divorce or award or order of the court, dated after July 18, 1991, provides that the election of a reduced retirement benefit form of payment is to be considered null and void by the Retirement System, and the retirant provides a certified copy of the judgment of divorce or award or order of the court, to the Retirement System. If the election of a reduced retirement benefit is considered null and void by the Retirement System under this subsection, the retirant's retirement benefit shall revert to form of payment SL effective the first day of the month following the date the Retirement System receives a certified copy of the judgment of divorce or award or order of the court. ~~This subsection does not supersede a judgment of divorce or award or order of the court in effect on or before July 18,~~

1991. This subsection does not require the Retirement System to distribute or pay retirement benefits on behalf of a retirant in an amount that exceeds the actuarially determined amount that would otherwise become payable if a judgment of divorce had not been rendered.

(h) See Section 25 [Section 4.025] regarding direct Rollover of distributions of accumulated contributions.

(Res. No. 2002-12, adopt. 2-5-02)

(i) The following provisions concerning direct rollovers shall apply to distributions made on or after January 1, 1993:

(i) Application: Notwithstanding any provision of this Ordinance to the contrary that would otherwise limit a Distributee's election under this section, a Distributee may elect, at any time and in the manner prescribed by the Board, to have any portion of an Eligible Rollover Distribution paid directly to an Eligible Retirement Plan specified by the Distributee in a Direct Rollover.

(ii) Definitions: For purposes of this subsection, the following definitions shall apply:

(1) Eligible Rollover Distribution: An "Eligible Rollover Distribution" is any distribution of all or any portion of the balance to the credit of the Distributee, except that an Eligible Rollover Distribution does not include:

(A) any distribution that is one of a series of substantially equal periodic payments (paid not less frequently than annually) paid over any one of the following periods: the life of the member (or the joint lives of the member and the member's designated beneficiary), the life expectancy of the member (or the joint life and last survivor expectancy of the member and the member's designated beneficiary), or a specified period of 10 years or more;

(B) any distribution to the extent the distribution is required under Section 401(a)(9) of the Internal Revenue Code relating to the minimum distribution requirements;

(C) except as provided below, the portion of any distribution that is not includable in gross income (i.e., the part of a member's distribution which is related to after-tax contributions made prior to April 1, 1979); and

(D) similar items designated in revenue rulings, notices, and other guidance from the Treasury Department of general applicability.

Effective January 1, 2002, a portion of a distribution shall not fail to be an Eligible Rollover Distribution merely because the portion consists of after-tax employee contributions which are not includable in gross income.

However, such portion may be paid only to an individual retirement account or annuity described in Section 408(a) or (b) of the Internal Revenue Code, or to a qualified defined contribution plan described in Section 401(a) or 403(a) of the Internal Revenue Code that agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includable in gross income and the portion of such distribution which is not so includable.

(2) Eligible Retirement Plan: An "Eligible Retirement Plan" means as follows:

(A) an individual retirement account described in Section 408(a) of the Internal Revenue Code;

(B) an individual retirement annuity (other than an endowment contract) described in Section 408(b) of the Internal Revenue Code;

(C) a qualified plan described in Section 401(a) of the Internal Revenue Code if it is a defined contribution plan which permits the acceptance of rollover distributions;

(D) an annuity plan described in Section 403(a) of the Internal Revenue Code;

(E) effective January 1, 2002, an annuity contract described in Section 403(b) of the Internal Revenue Code; or

(F) effective January 1, 2002, an eligible plan under Section 457(b) of the Internal Revenue Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from this Retirement System;

Effective January 1, 2002, the definition of an Eligible Retirement Plan shall also apply in the case of a distribution to a surviving spouse, or to a spouse or former spouse who is the alternate payee under an Eligible Domestic Relations Order, as defined in Section 57(a)(4.057(a)).

(3) Distributee: A "Distributee" includes an employee or former employee. In addition, the employee's or former employee's surviving spouse and the employee's or former employee's spouse or former spouse who is the alternate payee under an Eligible Domestic Relations Order, as defined in Section 57(a)(4.057(a)) are Distributees with regard to the interest of the spouse or former spouse.

(4) Direct Rollover: A "Direct Rollover" is a payment by the Retirement System to the Eligible Retirement Plan specified by the Distributee.

^a * + related Internal Revenue Service regulations applicable to governmental plans.

(d) In accordance with Section 414(I) of the Internal Revenue Code, if the assets and/or liabilities of the Retirement System are transferred to any other retirement system or pension plan, and this Retirement System is terminated, each member, vested former member, retirant, beneficiary, or any other person having an interest in this Retirement System shall be immediately vested in a benefit in the new retirement system or pension plan that is equal to or greater than the benefit that person would have been entitled to receive immediately before the transfer.

(e) Notwithstanding anything contained in this Plan to the contrary, effective July 1, 2009, the benefits payable under the Plan to any Participant will not exceed the amount permitted under Code Section 415 with respect to a governmental plan as defined in Code Section 414(d). The limitations of Code Section 415, as from time to time amended and adjusted, are hereby incorporated by reference. In applying such limitations, the following provisions shall apply:

(i) Without limiting the foregoing, annual adjustments to the limitations of Code Section 415 that are made pursuant to Section 415(d) shall be taken into account in applying this Section (e) to the maximum extent permissible under Section 415(d) of the Income Tax Regulations.

(l) For purposes of this Section (e) only, where separate governmental plans are maintained by different governmental units, such units are treated, along with the employer that adopts this plan, as a single "Employer" in accordance with the aggregation requirement under Code Section 415(f) (as modified by Code Section 415(h)), pursuant to a reasonable and good faith interpretation of the rules and definitions under Code Section 415 and Sections 414(b), (c), (m) and (o) of the Code.

(iii) Where the Participant's Employer-provided benefits (determined as of the same age) under all plans required to be aggregated with this Plan for the purposes of Code Section 415 would exceed the limitations of Code Section 415 as applicable to a government plan, then benefits will be reduced plan by plan, until the limitations of Code Section 415 are no longer exceeded, in reverse order of the Participant's initial participation date thereunder, beginning with the plan under which the Participant's participation began most recently. If a Participant commenced participation in two or more such plans on the same date, benefits under those plans shall be reduced in alphabetical order, beginning with the plan whose name is first alphabetically.

(iv) Notwithstanding the foregoing, nothing in this Section (c) shall reduce benefits accrued by a Participant under the Plan as of December 31, 2007, pursuant to Plan provisions that were adopted and in effect before April 5, 2007, if such Plan provisions met the applicable requirements of statutory provisions, regulations, and other published guidance relating to Code Section 415 in effect as of December 31, 2007 (the "Pre-Amendment Provisions"). In addition, nothing in this Section (c) shall reduce the

system or pension plan that is equal to or greater than the benefit that person would have been entitled to receive immediately before the transfer.

(e) Notwithstanding anything contained in this Plan to the contrary, effective July 1, 2009, the benefits payable under the Plan to any Participant will not exceed the amount permitted under Code Section 415 with respect to a governmental plan as defined in Code Section 414(d). The limitations of Code Section 415, as from time to time amended and adjusted, are hereby incorporated by reference. In applying such limitations, the following provisions shall apply:

(i) Without limiting the foregoing, annual adjustments to the limitations of Code Section 415 that are made pursuant to Section 415(d) shall be taken into account in applying this Section (e), to the maximum extent permissible under § 1.415(d)-1 of the Income Tax Regulations.

(ii) For purposes of this Section (e) only, where separate governmental plans are maintained by different governmental units, such units are treated, along with the employer that adopts this plan, as a single "Employer" in accordance with the aggregation requirement under Code Section 415(f) (as modified by Code Section 415(h)). pursuant to a reasonable and good faith interpretation of the rules and definitions under Code Section 415 and Sections 414(b), (c), (m) and (o) of the Code.

(iii) Where the Participant's Employer-provided benefits (determined as of the same age) under all plans required to be aggregated with this Plan for the purposes of Code Section 415 would exceed the limitations of Code Section 415 as applicable to a government plan, then benefits will be reduced plan by plan, until the limitations of Code Section 415 are no longer exceeded, in reverse order of the Participant's initial participation date thereunder, beginning with the plan under which the Participant's participation began most recently. If a Participant commenced participation in two or more such plans on the same date, benefits under those plans shall be reduced in alphabetical order, beginning with the plan whose name is first alphabetically.

(iv) Notwithstanding the foregoing, nothing in this Section (e) shall reduce benefits accrued by a Participant under the Plan as of December 31, 2007, pursuant to Plan provisions that were adopted and in effect before April 5, 2007, if such Plan provisions met the applicable requirements of statutory provisions, regulations, and other published guidance relating to Code Section 415 in effect as of December 31, 2007 (the "Pre-Amendment Provisions"). In addition, nothing in this Section (e) shall reduce the benefits that would have been accrued by a Participant under the Plan immediately prior to July 14, 2009, pursuant to the Pre-Amendment Provisions; provided, that this sentence shall apply only to the extent that such benefits would otherwise be reduced, under the provisions of Section (e) as in effect after July 13, 2009, by reason of a change in the provisions of Section (e) that was not legally required in order to comply with Section 415 of the Code or the final regulations promulgated thereunder

(v) Where an annual increase under Code Section 415(d) is made to the dollar limitation described in Code Section 415(b)(1)(A) effective after a Participant's severance from employment with the Employer (or, if earlier, after the annuity starting date in the case of a Participant who has commenced receiving benefits), such annual increase shall apply in calculating the limitations applicable to such Participant's benefits.

(vi) The Plan Administrator will advise affected Employees of any adjustments to their Accrued Benefit required by the limitations under this Section.

(vii) The Code Section 415(c)(3) definition of "compensation" shall include differential wage payments as described in Code Section 3401(h)(2).

~~The Retirement System shall not pay any benefit that would exceed the benefit limitations for governmental plans as set forth in Section 415 of the Internal Revenue Code and regulations, as amended.~~

4.060 Retirement ordinance; severability.

Sec. 60. If any section or part of a section of this Ordinance is for any reason held to be invalid or unconstitutional, such holding shall not be construed to affect the validity of remaining sections of the Ordinance or the Ordinance in its entirety.

4.061 Retirement Ordinance; repeal.

Sec. 61. All ordinances or other provisions of law inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

4.062 Bay County Road Commission Employees Early Retirement Incentive.

Sec. 62. Early retirement incentives shall be offered to all Road Commission employees eligible as described in this section with the exception of any Incumbent member of the Board of County Road Commissioners of Bay County. The option period shall be open and extend from July 13, 1998 through August 28, 1998, and the employee's retirement date shall commence only during this period. Acceptance of this incentive shall be contingent upon submission of necessary election documents by the eligible employee in accordance with Section 35 [4.035] of this Ordinance. The offer is available only to those employees who are eligible in accordance with the following requirements: If 5 years of additional credit added toward a combination of age and years of service would have the effect of bringing an employee within normal retirement eligibility age (55 with 30 years of service, or age sixty 60 with eight 8 years of service), then up to five years of service will be added, first to the current chronological age of the employee to meet the minimum age qualification, and next, any remaining years will be added to service time to meet the years of service qualification. If this allocation of five incentive years enables any employee to meet the standard age and service requirements for a normal retirement, then that employee will have met the minimum requirements under this early retirement proposal and pension payment will be based on those requirements without reduction of pension benefits as of the date any such employee

retires.

In accordance with the preceding terms, this retirement incentive shall be offered to both represented and unrepresented employees and shall also be extended with equal force to employees who meet normal eligibility requirements.

(Amend. adopted 6-16-98)

4.063. Retiree Health Benefits.

(a) The eligibility for health insurance coverage, the specific health insurance coverage, the condition of which would lead to loss of coverage, and the cost to the County and the covered individuals provided after the retirement or death of a Retirant shall be as described in Bay County Retiree Health Benefit Plan.

(b) The County's share of the cost of retiree health insurance benefits provided under this Section shall, to the extent such account has sufficient funds, be paid from the separate account as described in Section 4.064.

4.064. Health Benefit Fund. The Health Benefit Fund is the accounting fund within the Retirement System pursuant to Code Section 401(h) which shall be credited with (a) contributions by the County for the purpose of funding all or a portion of the cost of providing health insurance coverage to eligible Retirants and eligible Contingent Survivor Beneficiaries, and (b) investment experience-earnings allocated to the Health Benefit Fund, and which shall be charged with all, or a portion of, applicable premiums or contract charges for such coverage. Eligibility for coverage and the portion of the premium or contract charge to be paid from the Health Benefit Fund shall be as determined in accordance with Section 4.063. Except as provided at Section 4.065, contributions to the Health Benefit Fund by the County, when added to any County contributions for life insurance protection provided by the Retirement System, shall not exceed 25% of the total actual contributions to the Retirement System (other than contributions to fund past service) for all years since the Health Benefit Fund has been in effect and shall be reasonable and ascertainable. Amounts allocated to the Health Benefit Fund may only be used for Retiree Health Benefits described in Section 4.063 and in the Bay County Retiree Health Benefit Plan, and may not be used for any purpose other than providing such Retiree Health Benefits or until the satisfaction of all liabilities under Section 4.063, at which time any amount remaining in the Health Benefit Fund shall be returned to the County. Amounts in the Health Benefit Fund shall be allocated to separate 401(h) subaccounts which shall be established for any key employee of the County (as defined in Code Section 416(l)(1)) of the County, and benefits may be paid only from such key employee's subaccount. The County shall not contribute any amounts to the Health Benefit Fund or a welfare benefit fund (as defined in Code Section 419(e)(1)) with respect to Qualified Current Retiree Health Liabilities as defined in Code Section 420(e)(1)(A) for which transferred assets are required to be used as described in Section 4.065(a)(3) below.

4.065. Code Section 420 Transfer of Excess Assets to the Health Benefit Fund.

(a) Effective September 30, 2001, in addition to contributions made directly by the County under Section 4.064, the Health Benefit Fund may be funded by a "Qualified Transfer" of "Excess Assets" of the Retirement System to the Health Benefit Fund. "Excess Assets" means those assets in excess of the Retirement System's (i) full funding limit; or (ii) 125 percent of the Retirement System's current liability (as described in Code Section 412(c)(7)(B). The "Qualified Transfer" of assets does not otherwise count against the limits on County contributions described in Section 4.064 to the Health Benefit Fund. The "Qualified Transfer" of excess assets is subject to the requirements described below:

(i) Limitation on Number of Qualified Transfers Per Taxable Year. No more than one transfer of excess assets under this Section 4.065 during a taxable year of the County; PROVIDED that in no event shall any such "Qualified Transfer" be made after December 31, 2005.

(ii) Limit on Amount of Transfer. The amount of excess assets transferred from the Retirement System to the Health Care Fund shall not exceed the amount reasonably estimated to be paid during the tax year of the transfer for "Qualified Current Retiree Health Liabilities" as defined in Code Section 420(e)(1)(A). The amount to be transferred shall be reduced by the ratio of (i) assets (as of December 31 preceding the Plan Year of the transfer) previously set aside to pay for the Qualified Current Retiree Health Liabilities (as defined in Code Section 420(e)(1)(B)(i)), to pay for the Qualified Current Retiree Health Liabilities, to (ii) the present value of the Qualified Current Retiree Health Liabilities for all plan years (as defined in Code Section 420(e)(1)(B)(ii)). In the event the amount transferred exceeds the amount used to pay Qualified Current Retiree Health Liabilities, the excess (including income thereon) shall be returned from the Health Benefit Fund to the Retirement System.

(iii) Use of Transferred Assets. Any assets (and any income allocable thereto) of the Retirement System transferred to the Health Benefit Fund shall be used only to pay reasonably estimated Current Retiree Health Liabilities (other than liabilities of key employees not taken into account under Section 420(e)(1)(D)) for the taxable year of the transfer. For purposes of this section, any amount paid out of the Health Benefits Fund shall be treated as first being paid out of Excess Assets transferred to the Health Benefit Fund pursuant to this Section 4.065 and income thereon.

(iv) Accelerated Vesting Requirement.

1. An Employee who is a Member in the Retirement System on the date of the transfer shall be 100% vested on the date of the Qualified Transfer in his then currently accrued benefit in the Retirement System, in the same manner as if the Plan had terminated immediately before the Qualified Transfer.

2. A Member who separated from service at the County during the one-year period ending on the date of the Qualified Transfer shall be 100% vested in his then currently accrued benefit as if the Plan had terminated immediately before his separation from service.

A Member who vests in an accrued benefit under this Section 4.065 shall nonetheless be subject to the vesting requirements of Section 4.028 with respect to future benefit accruals in the Retirement System. A Member who becomes vested pursuant to Section 4.065(iv)(2) above, has been paid his Accumulated Member Contributions and has accordingly forfeited his Credited Service, shall have his accrued benefit based upon his previously forfeited Credited Service retroactively reinstated and vested, provided that the vested accrued benefits so reinstated and vested shall be reduced by the actuarial equivalent of his Accumulated Member Contributions previously paid to him.

(v) Maintenance of Applicable Employer Retiree Health Costs. As more fully set forth at Section 3.1A of the Bay County Retiree Health Benefits Plan, in the event of a Qualified Transfer, the County shall maintain levels of Applicable Employer Retiree Health Costs during the Cost Maintenance Period, as such terms are defined in Section 3.1A of the Bay County Retiree Health Benefits Plan.

(vi) Key Employees Excluded. Assets transferred to the Health Benefits Fund cannot be used to pay the retiree health benefits of any participant who was a Key Employee (within the meaning of Code Section 416(i)(1)) at any time during the Plan Year ending within the tax year of the County in which the Qualified Transfer was made. If an employee is a key employee with respect to any Plan Year, such employee shall not be taken into account in computing Qualified Current Retiree Health Liabilities for such taxable year, or in calculating Applicable Employer Retiree Health Costs during the Cost Maintenance Period as such terms are defined in Section 3.1A of the Bay County Retiree Health Benefit Plan.

(vii) Limitation of County Deductions. The County shall not be entitled to a deduction for amounts transferred to the Health Benefit Fund or where amounts are used from the Health Benefit Fund to pay retiree health

benefits which otherwise would have been deductible in a tax year had the expenses been paid directly by the County.

- (b) State Law Limitations. Notwithstanding anything to the contrary in this Retirement Ordinance, excess amounts transferred under Section 4.065, "Limit on Amount of Transfer" shall not exceed state law limitations as set forth in Michigan Compiled Laws Annotation (MCLA) 38.571 which section is incorporated by reference in this Bay County Employees Retirement System Ordinance.

4.066. Cashouts of Accelerated Vested Accrued Benefit Pursuant to a Code Section 420 Transfer under Section 4.065 or Pursuant to the Reciprocal Retirement Act.

- (a) This Section 4.066 shall only apply to a Member who becomes vested in his accrued benefit:

(i) pursuant to a Qualified Transfer under Section 4.065; or

(ii) by reason of the Reciprocal Retirement Act.

This Section shall not apply to any Member who completes 8 years of Credited Service with the County.

Upon termination of such a Member's employment, the following shall apply:

- (b) Involuntary Cashout, under (a)(i), with termination after 2002, or under (a)(ii) any time. This Section 4.066(b) shall apply to (i) a Member described in 4.066(a)(i) whose employment with the County terminated after 2002, or (ii) to a Member described in 4.066(a)(ii). If the present value of the vested normal Retirement Benefit of a Member described in (a) the preceding sentence is \$7,000 or less, then the Retirement System Administrator shall pay an immediate lump sum distribution of the greater of:

(i) the present value of such Member's vested normal Retirement Benefit, or

(ii) his Accumulated Member Contributions.

and such Member's Credited Service and all rights to any further benefits of the Retirement System shall be forfeited.

(c) Involuntary Cashout under (a)(i), with termination before 2003. This Section 4.066(c) shall apply to a Member described in 4.066(a)(i) whose employment with the County terminated before 2003. If the present value of (x) the vested normal Retirement Benefit of a Member described in the preceding sentence minus (y) the amount of Accumulated Member Contributions actually paid to such Member upon termination of employment with the County (the "Net Remaining Benefit") is \$7,000 or less, then the Retirement System shall pay an immediate lump sum distribution of the Member's Net Remaining Benefit, and such Member's Credited Service and all rights to any further benefits of the Retirement System shall be forfeited.

In the case of a Member described in the first sentence of this Section 4.066(c) whose Accumulated Member Contributions were not paid to such Member upon termination of employment with the County, such Member will be treated under Section 4.066(b) as if he terminated employment after 2002.

(ed) Voluntary Cashout under (a)(i) with termination after 2002, or under (a)(ii) any time. This Section 4.066(d) shall apply to (i) a Member described in 4.066(a)(i) whose employment with the County terminated after 2002, or (ii) to a Member described in 4.066(a)(ii). If the present value of the vested normal Retirement Benefit of a Member described in (a) the preceding sentence is more than \$7,000 and less than or equal to \$10,000, then such Member may elect to receive his benefits in an immediate lump sum distribution. In such event, the Retirement System Administrator shall pay an immediate lump sum distribution of the greater of:

(i) the present value of such Member's vested normal Retirement Benefit, or

(ii) his Accumulated Member Contributions,

and such Member's Credited Service and all rights to any further benefits of the Retirement System shall be forfeited.

If such Member elects not to receive an immediate lump sum distribution, he shall be treated as a Vested Former Member entitled to a deferred Retirement Benefit in accordance with Sections 4.036(b) and 4.039.

(e) Voluntary Cashout under (a)(i) with termination before 2003. This Section 4.066(e) shall apply to a Member described in 4.066(a)(i) whose employment with the County terminated before 2003. If the present value of

(x) the vested normal Retirement Benefit of a Member described in the preceding sentence minus (y) the amount of Accumulated Member Contributions actually paid to such Member upon termination of employment with the County (the "Net Remaining Benefit") is more than \$7,000, then such Member may elect to receive his Net Remaining Benefit in an immediate lump sum distribution. If such an election is made, the Retirement System shall pay an immediate lump sum distribution equal to the Member's Net Remaining Benefit, and such Member's Credited Service and all rights to any further benefits of the Retirement System shall be forfeited.

If such Member elects not to receive an immediate lump sum distribution under this Section 4.066(e), he shall be treated as a Vested Former Member entitled to a deferred Retirement Benefit actuarially equivalent to his Net Remaining Benefit.

In the case of a Member described in the first sentence of this Section 4.066(e) whose Accumulated Member Contributions were not paid to such Member upon termination of employment with the County, such Member will be treated under Section 4.066(d) as if he terminated employment after 2002.

(d) Other Members. If the present value the vested normal Retirement Benefit of a Member described in (a) is more than \$10,000, such Member shall be treated as a Vested Former Member entitled to withdraw his Accumulated Member Contributions in accordance with Section 4.030 or to receive a deferred Retirement Benefit in accordance with Sections 4.036(b) and 4.039.

(ef) Present Value. For purposes of the foregoing, present value shall be calculated using the interest rate for Actuarial Equivalencies described in Section 4.005(b), and shall be determined on the later of (i) the date of distribution or (ii) the date of a Qualified Transfer under Section 4.065.

(fg) Service Upon Reemployment. If a vested Member who received a distribution pursuant to this Section is reemployed by the County, his years of Credited Service for vesting shall be reinstated. The Credited Service which related to the distribution shall not be reinstated unless he repays to the Retirement System the benefit he received together with ~~interest at a rate of 7.00%~~ actual earnings of the Retirement System (but not less than 0%) from the date of payment to him to the date of repayment to the Retirement System. The Board approves the reinstatement of Credited Service. Repayments under this Section 4.066 shall be made in accordance with Section 4.031.

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(gh) Timing. All cashout distributions made pursuant to this Section shall be made as soon as administratively feasible following the later of:

- (i) This Section 4.066 shall not apply to any Member who completes 8 years of Credited Service with the County.

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BAY COUNTY BOARD OF COMMISSIONERS

10/12/10

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (10/5/10)
WHEREAS, In July 2010 the Bay County Board of Commissioners, via resolution no. 2010-150, authorized MSU Extension Bay County to bid for a Department of Human Services grant called Strong Families, Safe Children to provide direct parenting education; and
WHEREAS, Bay County was not awarded this grant; and
WHEREAS, While this funding supported, in part, one MSU Extension Educator position, no county general fund dollars will be requested to make up the \$19,016 of lost grant dollars as the Extension Educator's programming efforts will be shifted to a MSU Extension grant program; and
WHEREAS, A budget adjustment is required; Therefore, Be it
RESOLVED That the Bay County Board of Commissioners approves the budget adjustments required as a result of the loss of grant funding (Strong Families, Safe Children (SFSC 11-09004a) DHS Grant.

DONALD J. TILLEY, CHAIR
and Committee

MSU - SFSC Grant - Budget Adjustment

MOVED BY COMM. _____

SUPPORTED BY COMM. _____

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Colleen M. Mallette				Brian K. Elder			
Patrick H. Beson				Ernie Krygier				Eugene F. Gwizdala			
Vaughn J. Begick				Kim Coonan				Donald J. Tilley			

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____

VOICE: YEAS _____ NAYS _____ EXCUSED _____

DISPOSITION: ADOPTED _____ DEFEATED _____ WITHDRAWN _____
AMENDED _____ CORRECTED _____ REFERRED _____

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BAY COUNTY BOARD OF COMMISSIONERS

10/12/10

RESOLUTION

- BY: WAYS AND MEANS COMMITTEE (10/5/10)
- WHEREAS, Per the Michigan State Dog Law of 1919, as amended, Bay County Animal Control is allowed to utilize funds for the education of the general public as to the value of the neutering and/or spaying of dogs and/or cats as well as the physical neutering and/or spaying of same, expenditure of said funds to be derived from Breeched Contract monies; and
- WHEREAS, The Animal Control Manager is recommending utilizing \$10,000 of Breeched Contract monies to bridge the monetary gap between adoptees of the Animal Shelter animals medical deposits and those charges for services rendered by Bay County veterinarians; Therefore, Be It
- RESOLVED That the Bay County Board of Commissioners approves and endorses utilization of Breeched Contract monies, in the amount of \$10,000, to bridge the monetary gap between adoptees of the Animal Shelter animals medical deposits and those charges for services rendered by Bay County veterinarians; Be It Further
- RESOLVED That the Chairman of the Board is authorized to execute any documents required on behalf of Bay County following legal review/approval; Be It Finally
- RESOLVED That budget adjustments required are approved.

DONALD J. TILLEY, CHAIR
AND COMMITTEE

Animal Control - Utilization of Breeched Contract Funds

MOVED BY COMM. _____

SUPPORTED BY COMM. _____

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Colleen M. Maillette				Brian K. Elder			
Patrick H. Beson				Ernie Krygler				Eugene F. Gwizdala			
Vaughn J. Baglick				Kim Coonan				Donald J. Tilley			

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____
VOICE: YEAS _____ NAYS _____ EXCUSED _____

DISPOSITION: ADOPTED _____ DEFEATED _____ WITHDRAWN _____
AMENDED _____ CORRECTED _____ REFERRED _____

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BAY COUNTY BOARD OF COMMISSIONERS**10/12/10****RESOLUTION**

- BY: WAYS AND MEANS COMMITTEE (10/5/10)
- WHEREAS, The Michigan Department of Agriculture (MDA) is offering grants to promote certain activities related to spaying and neutering dogs and cats; and
- WHEREAS, The MDA Companion Animal Welfare Fund Competitive Grant(s) are awarded pursuant to Act 132 of 2007, Animal Welfare Fund Act and the goal of the program is to support projects that increase the number of dogs and cats that are spayed and neutered and adopted in Michigan; and
- WHEREAS, There is no cost to Bay County to apply for this grant nor is there a matching funds requirement; and
- WHEREAS, As a competitive grant no more than \$10,000 will be awarded to any facility depending on the number of applications received and Bay County Animal Control intends to supplement this grant with funds from the Animal Neutering Deposit forfeiture account which has a current balance of \$50,000; Therefore, Be It
- RESOLVED That the Bay County Board of Commissioners authorizes application to the Michigan Department of Agriculture for up to \$10,000 for the spaying and neutering of dogs and cats; Be It Further
- RESOLVED That the Chairman of the Board is authorized to execute all grant documents, including award documents, on behalf of Bay County following legal review/approval; Be It finally
- RESOLVED That budget adjustments related to this grant are approved.

DONALD J. TILLEY, CHAIR
AND COMMITTEE

Animal Control - MDA Grant

MOVED BY COMM. _____

SUPPORTED BY COMM. _____

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Colleen M. Mallette				Brian K. Elder			
Patrick H. Beson				Ernie Krygler				Eugene F. Gwizdala			
Vaughn J. Beglick				Kim Coonan				Donald J. Tilley			

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____

VOICE: YEAS _____ NAYS _____ EXCUSED _____

DISPOSITION: ADOPTED _____ DEFEATED _____ WITHDRAWN _____
AMENDED _____ CORRECTED _____ REFERRED _____

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**BAY COUNTY BOARD OF COMMISSIONERS
10/12/10
RESOLUTION**

- BY: WAYS AND MEANS COMMITTEE (10/5/10)
- WHEREAS, Bay Health Plan is a non-profit corporation whose purposes include promoting, organizing, managing, and administering programs to create a system of providing or arranging health care services for persons who are not covered under other public or private health care programs; and
- WHEREAS, The BHP Corporation contracts under a separate agreement with certain hospitals to establish a program of health care service for certain persons for who health care is not available; and
- WHEREAS, The Health Department provides and arranges for the provision of health care services as part of its programs and the County provides HIPAA compliant office space to BHP at BCHD; and
- WHEREAS, This Agreement, which is a renewal of the Agreement originally entered into on October 1, 2004, shall begin on October 1, 2010, and will automatically renew for a term of three (3) years, expiring on September 30, 2013, unless amended by either party, per the terms of the Agreement; and
- WHEREAS, The County sends intergovernmental transfers to the State of Michigan to support Indigent Care Agreement- based Disproportionate Share payments to certain hospitals (Bay Regional Medical Center). These funds are being leveraged to increase health care funding in the community and the hospital will receive a total payment of \$2.30 for every \$1.00 sent to the state; and
- WHEREAS, The Bay Health Plan Corporation compensates the County for services rendered under this Agreement on a quarterly basis from October 1, 2010 through September 30, 2011. In addition, Bay County will receive \$3,500 per year from October 1, 2010 through September 30, 2011 from the Bay Health Plan for office space, computer equipment, Internet, and email access, office furniture miscellaneous support for office operation (copier, fax); Therefore, Be It
- RESOLVED By the Bay County Board of Commissioners that the renewal Agreement between Bay Health Plan (BHP) Corporation and Bay County (Health Department) for the term 10/1/10 through 9/30/13 is approved and the Chairman of the Board authorized to execute the required documents on behalf of Bay County following legal review/approval; Be It Further
- RESOLVED That budget adjustments required are approved.

DONALD J. TILLEY, CHAIR
AND COMMITTEE

Health Dept - Bay Health Plan Agt

MOVED BY COMM. _____

SUPPORTED BY COMM. _____

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Colleen M. Mallette				Brian K. Elder			
Patrick H. Beson				Ernie Krygler				Eugene F. Gwizdala			
Vaughn J. Beglick				Kim Coonan				Donald J. Tilley			

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____
VOICE: YEAS _____ NAYS _____ EXCUSED _____

DISPOSITION: ADOPTED _____ DEFEATED _____ WITHDRAWN _____
AMENDED _____ CORRECTED _____ REFERRED _____

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BAY COUNTY BOARD OF COMMISSIONERS**10/12/10****RESOLUTION**

- BY: WAYS AND MEANS COMMITTEE (10/5/10)
- WHEREAS, The Bay County Health Department wishes to enter into an Agreement with VIOPOINT, Inc., the purpose of which is to assist Bay County in its management of information assets, including protected health information; and
- WHEREAS, VIOPOINT, Inc. is a solution provider that assists organizations with identifying, qualifying and managing risks associated with information assets; and
- WHEREAS, VIOPOINT, Inc. has been engaged to create a Statement of Work which outlines a suite of compliance and security services, specifically in the area of HIPAA and protection of private patient information; and
- WHEREAS, There are two phases to the project which will be undertaken by VIOPOINT, Inc. and the cost for their services is \$10,800 which will be shared by the Information Systems Department, the Health Department and the Division on Aging and there are no financial considerations at this time as adequate funds exist within the Department budgets to cover the cost; Therefore, Be It
- RESOLVED That the Bay County Board of Commissioners approves the HIPAA Security Services Agreement with VIOPOINT, Inc. and authorizes the Chairman of the Board to execute said Agreement on behalf of Bay County following legal review/approval; Be It Further
- RESOLVED That budget adjustments relating to this Agreement are approved.

DONALD J. TILLEY, CHAIR
AND COMMITTEE

Health Dept - VIOPOINT, Inc.

MOVED BY COMM. _____

SUPPORTED BY COMM. _____

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Colleen M. Maillette				Brian K. Elder			
Patrick H. Beson				Ernie Krygler				Eugene F. Gwizdala			
Vaughn J. Beglick				Klm Coonan				Donald J. Tilley			

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____

VOICE: YEAS _____ NAYS _____ EXCUSED _____

DISPOSITION: ADOPTED _____ DEFEATED _____ WITHDRAWN _____
AMENDED _____ CORRECTED _____ REFERRED _____

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**BAY COUNTY BOARD OF COMMISSIONERS
10/12/10**

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (10/5/10)

WHEREAS, The 2010-2011 Comprehensive Planning, Budgeting and Contracting (CPBC) Agreement between Bay County and the Michigan Department of Community Health sets forth a joint and cooperative Contractor/Department relationship and basis for facilitating the delivery of public health services to the citizens of Bay County; and

WHEREAS, In accordance with the funding/reimbursement matrix, the total proposed State budget and amount committed for this period for the program elements covered by this Agreement is \$1,172,512, pending enactment of the FY 10/11 MDCH Appropriation Bill; and

WHEREAS, Any subsequent allocation changes will be made in Amendment # 1; Therefore, Be It

RESOLVED By the Bay County Board of Commissioners that the Agreement between Bay County and the Michigan Department of Community Health for the delivery of public health services under the Comprehensive Planning, Budgeting and Contract (CPBC) Process for the period October 1, 2010 through September 30, 2011 is hereby approved and the Chairman of the Board authorized to execute said Agreement and related documents, following legal review/approval; Be It Further

RESOLVED That any budget adjustments relating to the Agreement are approved.

BRIAN K. ELDER, CHAIR
AND COMMITTEE

Health Dept - 2010/2011 CPBC Agt

MOVED BY COMM. _____

SUPPORTED BY COMM. _____

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Colleen M. Mallette				Brian K. Elder			
Patrick H. Beson				Ernie Krygler				Eugene F. Gwizdala			
Vaughn J. Beglck				Kim Coonan				Donald J. Tilley			

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____

VOICE: YEAS _____ NAYS _____ EXCUSED _____

DISPOSITION: ADOPTED _____ DEFEATED _____ WITHDRAWN _____
AMENDED _____ CORRECTED _____ REFERRED _____

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BAY COUNTY BOARD OF COMMISSIONERS

10/12/10

RESOLUTION

- BY: WAYS AND MEANS COMMITTEE (10/5/10)
- WHEREAS, The Mosquito Control aerial treatment is the most important larvaciding activity conducted annually with the single highest control cost and in 2010 33,814 acres of seasonal flooded woodlots were treated; and
- WHEREAS, Earl's Spray Services from Breckenridge, MI was the lowest qualified bidder for the 2009 and 2010 treatment season and this company did a satisfactory treatment program; and
- WHEREAS, The owner of Earl's Spray Service has indicated that he would extend the current contract with all the terms and conditions for the next two (2) years; and
- WHEREAS, The total cost (\$3.75/acre) of the aerial treatment services will not exceed the 2011 budget line item; Therefore, Be It
- RESOLVED That the Bay County Board of Commissioners approves extension of the contract with Earl's Spray Services for the next two years (2011 and 2012) with the current terms and conditions; Be It Further
- RESOLVED That the Chairman of the Board is authorized to execute the all documents required to facilitate this contract extension; Be It Finally
- RESOLVED That budget adjustments, if required, are approved.

DONALD J. TILLEY, CHAIR

AND COMMITTEE

Mosq Control - 2011-2012 Aerial Spraying Contract

MOVED BY COMM. _____

SUPPORTED BY COMM. _____

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Colleen M. Mallette				Brian K. Elder			
Patrick H. Beson				Ernie Krygler				Eugene F. Gwizdala			
Vaughn J. Begick				Klm Coonan				Donald J. Tilley			

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____

VOICE: YEAS _____ NAYS _____ EXCUSED _____

DISPOSITION: ADOPTED _____ DEFEATED _____ WITHDRAWN _____

AMENDED _____ CORRECTED _____ REFERRED _____

-49-

BAY COUNTY BOARD OF COMMISSIONERS

10/12/10

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (9/21/10)
WHEREAS, Bay County is interested in continuing efforts to provide affordable housing opportunities for its low and very low income residents; and
WHEREAS, The Bay County Board of Commissioners recognizes Bay County is participating in the MSHDA Property Improvement Program (PIP) funding; and
WHEREAS, The Bay County Board of Commissioners desires to use PIP-Plus funding, a new funding source from MSHDA with PIP and HOME funds; and
WHEREAS, The Bay County Board of Commissioners understands that MSHDA will pay administration of 10% or up to \$2,000 administration for each PIP-Plus loan processed in Bay County; and
WHEREAS, The Bay County Board of Commissioners understands that MSHDA would require the PIP-Plus funding draws to be requested through Roscommon County; Therefore, Be It
RESOLVED That the Bay County Board of Commissioners authorizes Frances Horgan, Bay County Housing Rehabilitation Coordinator, to administer PIP-Plus funds in partnership with Roscommon County.

DONALD J. TILLEY, CHAIR
AND COMMITTEE

MSHDA-Addl Grant Funding Sources

MOVED BY COMM. _____

SUPPORTED BY COMM. _____

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Colleen M. Mallette				Brian K. Elder			
Patrick H. Beson				Ernie Krygier				Eugene F. Gwizdala			
Vaughn J. Beglick				Kim Coonan				Donald J. Tilley			

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____

VOICE: YEAS _____ NAYS _____ EXCUSED _____

DISPOSITION: ADOPTED _____ DEFEATED _____ WITHDRAWN _____
AMENDED _____ CORRECTED _____ REFERRED _____

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BAY COUNTY BOARD OF COMMISSIONERS

10/12/10

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (10/5/10)
WHEREAS, The Bay County Board of Commissioners wishes to continue the provision of Personal Care and Homemaking Services to senior citizens in Bay County; and
WHEREAS, The resources to provide these services has been reduced from the level of service provided in fiscal year 2009; and
WHEREAS, The Bay County Division on Aging has developed a grant request to submit to the Community Initiative Fund through the Bay Area Community Foundation which will allow additional funding for program sustainability for Personal Care and Homemaking; and
WHEREAS, The Bay County Division on Aging can identify certain clients with high medical bills to be the recipients of the additional services that would be available to if the grant request in the amount of \$10,500 is approved; Therefore, Be It
RESOLVED That the Bay County Board of Commissioners authorizes application for grant funding to the Bay Area Community Foundation through its Community Initiative Fund

MOVED BY COMM. _____

SUPPORTED BY COMM. _____

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Colleen M. Mallette				Brian K. Elder			
Patrick H. Beson				Ernie Krygler				Eugene F. Gwizdala			
Vaughn J. Begick				Klm Coonan				Donald J. Tilley			

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____

VOICE: YEAS _____ NAYS _____ EXCUSED _____

DISPOSITION: ADOPTED _____ DEFEATED _____ WITHDRAWN _____
AMENDED _____ CORRECTED _____ REFERRED _____

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**BAY COUNTY BOARD OF COMMISSIONERS
10/12/10**

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (10/5/10)

RESOLVED By the Bay County Board of Commissioners that the 2010 Assessment Rolls, as submitted by the Bay County Drain Commissioner and on file in the County Clerk's Office, are hereby adopted.

DONALD J. TILLEY, CHAIR
AND COMMITTEE

Drain - 2010 Assessment Rolls

MOVED BY COMM. _____

SUPPORTED BY COMM. _____

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Colleen M. Mallette				Brian K. Elder			
Patrick H. Beson				Ernie Krygler				Eugene F. Gwizdala			
Vaughn J. Beglck				Kim Coonan				Donald J. Tilley			

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____

VOICE: YEAS _____ NAYS _____ EXCUSED _____

DISPOSITION: ADOPTED _____ DEFEATED _____ WITHDRAWN _____
AMENDED _____ CORRECTED _____ REFERRED _____

2010 DRAIN ASSESSMENTS BY DRAIN (Receivables)

BLONDIN						
Years	Code	Due From	At Large	Local	Total	
1 of 1	29	Bay County	267.70	-	267.70	
		MDOT	161.25		161.25	
		Fraser Township	776.80	3,794.25	4,571.05	
		DRAIN TOTAL	1,205.75	3,794.25	5,000.00	
CAMPBELL						
Years	Code	Due From	At Large	Local	Total	
1 of 1	42	Bay County	250.00	-	250.00	
		Beaver Township	350.00	183.84	533.84	
		DRAIN TOTAL	600.00	183.84	783.84	
COLE						
Years	Code	Due From	At Large	Local	Total	
1 of 1	50	Bay County	375.00	-	375.00	
		Huron & Eastern Railroad	253.50		253.50	
		MDOT	849.75		849.75	
		Monitor Township	750.00	5,271.75	6,021.75	
		DRAIN TOTAL	2,228.25	5,271.75	7,500.00	
COUNTEGAN						
Years	Code	Due From	At Large	Local	Total	
1 of 1	56	Bay County	469.00	-	469.00	
		MDOT	194.50		194.50	
		Merritt Township	750.00	3,586.50	4,336.50	
		DRAIN TOTAL	1,413.50	3,586.50	5,000.00	
FISCHER						
Years	Code	Due From	At Large	Local	Total	
1 of 1	98	Bay County	550.00	-	550.00	
		Monitor Township	1,650.00	8,800.00	10,450.00	
		DRAIN TOTAL	2,200.00	8,800.00	11,000.00	
HADD						
Years	Code	Due From	At Large	Local	Total	
1 of 1	120	Bay County	108.00	-	108.00	
		Lake State Railway	66.00	-	66.00	
		Kawkawlin Township	313.40	1,512.60	1,826.00	
		DRAIN TOTAL	487.40	1,512.60	2,000.00	
INDIANTOWN						
Years	Code	Due From	At Large	Local	Total	
1 of 1	137	Bay County	750.00	-	750.00	
		Kawkawlin Township	1,125.00	5,625.00	6,750.00	
		DRAIN TOTAL	1,875.00	5,625.00	7,500.00	

2010 DRAIN ASSESSMENTS BY DRAIN (Receivables)

K&R						
Years	Code	Due From	At Large	Local	Total	
1 of 1	146	Bay County	125.00	-	125.00	
		Fraser	250.00	2,125.00	2,375.00	
		DRAIN TOTAL	375.00	2,125.00	2,500.00	
KAWECK						
Years	Code	Due From	At Large	Local	Total	
1 of 1	148	Bay County	175.00	-	175.00	
		Beaver Township	350.00	2,975.00	3,325.00	
		DRAIN TOTAL	525.00	2,975.00	3,500.00	
LESPERANCE						
Years	Code	Due From	At Large	Local	Total	
1 of 1	171	Bay County	50.25	-	50.25	
		MDOT	125.86		125.86	
		Kawkawlin Township	490.39	2,833.50	3,323.89	
		DRAIN TOTAL	666.50	2,833.50	3,500.00	
MILL POND						
Years	Code	Due From	At Large	Local	Total	
1 of 1	195	Bay County	1,250.00	-	1,250.00	
		Monitor	3,750.00	20,000.00	23,750.00	
		DRAIN TOTAL	5,000.00	20,000.00	25,000.00	
MOORE						
Years	Code	Due From	At Large	Local	Total	
1 of 1	202	Bay County	200.00	-	200.00	
		Fraser Township	200.00	-	200.00	
		DRAIN TOTAL	400.00	-	400.00	
OAKWOOD						
Years	Code	Due From	At Large	Local	Total	
1 of 1	212	Bay County	66.67	-	66.67	
		Lake State Railway	37.20	-	37.20	
		MDOT	27.00	-	27.00	
		Kawkawlin Township	301.60	2,567.53	2,869.13	
		DRAIN TOTAL	432.47	2,567.53	3,000.00	
PASHAK						
Years	Code	Due From	At Large	Local	Total	
1 of 1	218	Bay County	250.00	-	250.00	
		Beaver Township	500.00	4,250.00	4,750.00	
		DRAIN TOTAL	750.00	4,250.00	5,000.00	

2010 DRAIN ASSESSMENTS BY DRAIN (Receivables)

PHILLIPS						
Years	Code	Due From	At Large	Local	Total	
1 of 1	222	Bay County	100.00	-	100.00	
		Williams	200.00	-	200.00	
		DRAIN TOTAL	300.00	-	300.00	
PINE						
Years	Code	Due From	At Large	Local	Total	
1 of 1	223	Bay County	500.00	-	500.00	
		Monitor	750.00	3,750.00	4,500.00	
		DRAIN TOTAL	1,250.00	3,750.00	5,000.00	
SECORD						
Years	Code	Due From	At Large	Local	Total	
1 of 1	267	Bay County	100.00	-	100.00	
		Monitor	200.00	-	200.00	
		DRAIN TOTAL	300.00	-	300.00	
SLOAT						
Years	Code	Due From	At Large	Local	Total	
1 of 1	283	Bay County	125.00	-	125.00	
		Monitor	250.00	2,125.00	2,375.00	
		DRAIN TOTAL	375.00	2,125.00	2,500.00	
STEPHAN						
Years	Code	Due From	At Large	Local	Total	
1 of 1	372	Bay County	195.84	-	195.84	
		Monitor	590.24	3,213.92	3,804.16	
		DRAIN TOTAL	786.08	3,213.92	4,000.00	
ZIEGLER						
Years	Code	Due From	At Large	Local	Total	
1 of 1	342	Bay County	383.85	-	383.85	
		Huron & Eastern Railway	28.70	-	28.70	
		MDOT	239.10	-	239.10	
		Frankenlust Township	744.70	3,603.65	4,348.35	
		DRAIN TOTAL	1,396.35	3,603.65	5,000.00	
1921 DREDGE CUT						
Years	Code	Due From	At Large	Local	Total	
1 of 1	61	Bay County	125.00	-	125.00	
		Merritt	250.00	2,125.00	2,375.00	
		DRAIN TOTAL	375.00	2,125.00	2,500.00	
GRAND TOTAL 8010			22,941.30	78,342.54	101,283.84	

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2010 DRAIN ASSESSMENTS BY DRAIN (Receivables)

HAMPTON						
Years	Code	Due From	At Large	Local	Total	
1 of 1	80101	Bay County	11,410.00	-	11,410.00	
		MDOT	1,890.00	-	1,890.00	
		DRAIN TOTAL 8011	13,300.00	-	13,300.00	

BANGOR						
Years	Code	Due From	At Large	Local	Total	
1 of 1	80104	Bay County	29,168.00	-	29,168.00	
		MDOT	8,884.00	-	8,884.00	
		Bangor Township	258,073.00	-	258,073.00	
		DRAIN TOTAL 8014	296,125.00	-	296,125.00	

BAXMAN						
Years	Code	Due From	At Large	Local	Total	
YEAR 7 OF 8	90503	Bay County	5,469.46	-	5,469.46	
		Frankenlust Township	157.77	477.89	635.66	
		Monitor Township	7,988.56	32,324.01	40,312.57	
		DRAIN TOTAL	13,615.79	32,801.90	46,417.69	

BIS EXT						
Years	Code	Due From	At Large	Local	Total	
YEAR 3 OF 10	90528	Bay County	1,320.19	-	1,320.19	
		Williams Township	2,574.37	11,996.09	14,570.46	
		DRAIN TOTAL	3,894.56	11,996.09	15,890.65	

DELL CREEK						
Years	Code	Due From	At Large	Local	Total	
YEAR 3 OF 8	90529	Bay County	4,665.82	-	4,665.82	
		Huron & Eastern Railway	632.48	-	632.48	
		Williams Township	15,137.97	78,227.85	93,365.82	
		DRAIN TOTAL	20,436.27	78,227.85	98,664.12	

GOETZ						
Years	Code	Due From	At Large	Local	Total	
YEAR 4 OF 7	90514	Bay County	6,044.53	-	6,044.53	
		Frankenlust Township	3,009.76	72,651.80	75,661.56	
		DRAIN TOTAL	9,054.29	72,651.80	81,706.09	

KINDELL						
Years	Code	Due From	At Large	Local	Total	
YEAR 8 OF 8	90501	Bay County	482.72	-	482.72	
		Huron & Eastern Railway	2,637.42	-	2,637.42	
		Williams Township	1,538.04	7,353.05	8,891.09	
		DRAIN TOTAL	4,658.18	7,353.05	12,011.23	

2010 DRAIN ASSESSMENTS BY DRAIN (Receivables)

KOLB					
Years	Code	Due From	At Large	Local	Total
YEAR 3 OF 3	90525	Bay County	974.96	-	974.96
		Monitor Township	1,218.70	8,571.86	9,790.56
		DRAIN TOTAL	2,193.66	8,571.86	10,765.52
MCDONALD					
Years	Code	Due From	At Large	Local	Total
YEAR 9 OF 10	90518	Bay County	1,180.63	-	1,180.63
		Kawkawlin Township	2,498.75	10,824.24	13,322.99
		Beaver Township	271.02	1,671.89	1,942.91
		DRAIN TOTAL	3,950.40	12,496.13	16,446.53
SHINBINE					
Years	Code	Due From	At Large	Local	Total
YEAR 4 OF 5	90527	Bay County	510.02	-	510.02
		Beaver Township	765.04	2,644.62	3,409.66
		DRAIN TOTAL	1,275.06	2,644.62	3,919.68
STIEVE					
Years	Code	Due From	At Large	Local	Total
YEAR 4 OF 5	90526	Bay County	419.59	-	419.59
		Beaver Township	629.80	3,146.92	3,776.72
		DRAIN TOTAL	1,049.39	3,146.92	4,196.31
GRAND TOTAL 8510			60,127.60	229,890.22	290,017.82
AUBURN					
Years	Code	Due From	At Large	Local	Total
YEAR 18 OF 20	85203	Bay County	-	-	-
		Huron & Eastern Railroad	872.39	-	872.39
		City of Auburn	-	29,032.23	29,032.23
		Williams Township	-	6,605.54	6,605.54
		DRAIN TOTAL 8523	872.39	35,637.77	36,510.16
GRAND TOTAL OF 2010 ASSESSMENTS					737,236.82

9/29/2010

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BAY COUNTY BOARD OF COMMISSIONERS
10/12/10

**RESOLUTION OF SUPPORT
FOR THE
BAY COUNTY LIBRARY SYSTEM MILLAGE BALLOT QUESTION**

- BY: WAYS AND MEANS COMMITTEE (10/5/10)
- WHEREAS, The Bay County Public Library System covers all Bay County Commission Districts; and
- WHEREAS, On November 2, 2010, the Bay County Public Library System will be seeking approval of their operating millage; and
- WHEREAS, The patrons of the Bay County Public Libraries, young and old alike, deserve continued operation of the new and newly renovated libraries made possible through passage of a Library millage. Through this millage the taxpayers of Bay County have been provided facilities that provide a safe, secure and less-crowded learning environment; and
- WHEREAS, All recent economic development studies have shown that businesses and industries looking to expand or locate in Bay County have indicated that a perceived lack of support for education, through the school system and libraries, hinders their potential investments in Bay County; and
- WHEREAS, It is important that this community show others that we believe in ourselves, our children and in the future; Therefore, Be It
- RESOLVED That the Bay County Board of Commissioners hereby goes on record in wholehearted support of passage of the Bay County Public Library System operating millage and urges the voters of our community to support the millage proposal that will be included on the November 2, 2010 election ballot.

DONALD J. TILLEY, CHAIR
AND COMMITTEE

Library Millage Proposal

MOVED BY COMM. _____

SUPPORTED BY COMM. _____

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Colleen M. Mallette				Brian K. Elder			
Patrick H. Beson				Ernie Krygler				Eugene F. Gwizdala			
Vaughn J. Beglck				Kim Coonan				Donald J. Tilley			

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____
VOICE: YEAS _____ NAYS _____ EXCUSED _____

DISPOSITION: ADOPTED _____ DEFEATED _____ WITHDRAWN _____
AMENDED _____ CORRECTED _____ REFERRED _____

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By: WAYS AND MEANS COMMITTEE 10/5/10

RESOLVED: By this Board of Commissioners of Bay County, Michigan, that the following Budget Adjustments are hereby approved on 10/12/2010 and, if required, the Chairman of the Board is hereby authorized to execute any documentation necessary for said Budget Adjustments on Behalf of Bay County.

Request Number	Fund Involved Department Involved	Favorable Impact	Unfavorable Impact	No Impact
2010-10-001	Health Department Environmental Health Activity			X
	To adjust 22161500 Health Department Environmental Health budget for increased demand of ServSafe training among Bay County food service license establishments.			
2010-10-003	Community Correction Fund Community Corrections Plan Activity			X
	To adjust Community Corrections budget to match their grant. Michigan Department of Corrections approved of these grant line item changes on 8/23/10.			
2010-10-004	General Fund Animal Control Activity			X
	To budget for the use of restricted "breached" adoption fees in the amount of \$10,000 to be used in a program at Animal Control to pay area veterinarians to sterilize dogs and cats. "Breeched" adoption fees PA 0007, Dated May 16, 1997 allows Bay County to take these breached adoption fees and use them to finance education and/or sterilization. The balance in this reserve as of 12/31/09 is \$51,221.			

2010-10-005

General Fund
Personnel Activity

\$15,631.00

To budget for mediation settlement
agreement regarding EEOC charge
as discussed in closed session on
9-14-10 Motion #78.

Donald J. Tilley W & M Committee

MOVED BY COMM. _____

SUPPORTED BY COMM. _____

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Colleen M. Maillette				Brian K. Elder			
Patrick H. Beson				Ernie Krygler				Eugene F. Gwizdala			
Vaughn J. Beglck				Kim Coonan				Donald J. Tilley			

VOTE TOTALS:

 ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____
 VOICE: YEAS _____ NAYS _____ EXCUSED _____

 DISPOSITION: ADOPTED _____ DEFEATED _____ WITHDRAWN _____
 AMENDED _____ CORRECTED _____ REFERRED _____

BAY COUNTY BOARD OF COMMISSIONERS

10/12/10

RESOLUTION

BY: PERSONNEL/JUDICIAL COMMITTEE (9/21/10)
WHEREAS, The 74th District Court utilizes a web access portal with the Secretary of State's office in handling cases and the Secretary of State requires that each user sign a contract in order to continue this access; and
WHEREAS, The required Commercial Services Program contract does not involve any fees or bond and will remain in effect until either party would cancel or terminate; Therefore, Be It
RESOLVED That the Bay County Board of Commissioners approves the Commercial Services Program contract between the Michigan Department of State and Bay County (74th District Court) and authorizes the Board Chair to sign said contract and all related documents on behalf of Bay County following legal review/approval.

ERNIE KRYGIER, CHAIR
AND COMMITTEE

Dist Ct - SOS Contract

MOVED BY COMM. _____

SUPPORTED BY COMM. _____

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Colleen M. Malliette				Brian K. Elder			
Patrick H. Beson				Ernie Krygier				Eugene F. Gwizdala			
Vaughn J. Begick				Kim Coonan				Donald J. Tilley			

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____

VOICE: YEAS _____ NAYS _____ EXCUSED _____

DISPOSITION: ADOPTED _____ DEFEATED _____ WITHDRAWN _____
AMENDED _____ CORRECTED _____ REFERRED _____

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BAY COUNTY BOARD OF COMMISSIONERS

10/12/10

RESOLUTION

BY: PERSONNEL/JUDICIAL COMMITTEE (9/21/10)

RESOLVED By the Bay County Board of Commissioners that concurrence is given to post/advertise/fill the following full time/part time/temporary/seasonal or co-op positions/vacancies, monies for said positions to come from the respective departmental budgets:

- A. Community Corrections Program - Community Corrections Coordinator (ft - \$36,192 entry)
- B. Division on Aging - Cook (on-call, part time - \$10.63/hr.)

RESOLVED That budget adjustments, if required, are approved.

RESOLVED That it is clearly understood that any positions funded through a grant shall be terminated or hours reduced if grant funding is terminated or reduced.

ERNIE KRYGIER, CHAIR
AND COMMITTEE

Vacancies - October 12

MOVED BY COMM. _____

SUPPORTED BY COMM. _____

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Colleen M. Mallette				Brian K. Elder			
Patrick H. Beson				Ernie Krygier				Eugene F. Gwizdala			
Vaughn J. Beglck				Kim Coonan				Donald J. Tilley			

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____
VOICE: YEAS _____ NAYS _____ EXCUSED _____

DISPOSITION: ADOPTED _____ DEFEATED _____ WITHDRAWN _____
AMENDED _____ CORRECTED _____ REFERRED _____

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BAY COUNTY BOARD OF COMMISSIONERS

5/11/10

RESOLUTION

BY: HUMAN SERVICES COMMITTEE (9/21/10)

WHEREAS, A & D Home Health Care has contacted Bay County Division on Aging to extend contract agreement for funding under the Waiver Program, and

WHEREAS,e Bay County Division on Aging desires to continue a relationship with A & D Home Health Care to provide services under the Waiver program to A & C clients, and

WHEREAS, the rates requested by Bay County Division on Aging have been accepted by A & D Home Health Care, therefore, Be It

RESOLVED By the Bay County Board of Commissioners that the letter to extend the A & D Home Health Care Waiver agreement for FY 2011 is approved and the Chairman of the Board is authorized to sign the required documents on behalf of Bay County following legal review/approval; Be It Further

RESOLVED That budget adjustments, if required, are approved.

MICHAEL J. DURANCZYK, CHAIR
AND COMMITTEE

A&D Home Health Care Waiver Extension

MOVED BY COMM. _____

SUPPORTED BY COMM. _____

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Colleen M. Maillette				Brian K. Elder			
Patrick H. Beson				Ernie Krygler				Eugene F. Gwizdala			
Vaughn J. Begick				Kim Coonan				Donald J. Tilley			

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____

VOICE: YEAS _____ NAYS _____ EXCUSED _____

DISPOSITION: ADOPTED _____ DEFEATED _____ WITHDRAWN _____
AMENDED _____ CORRECTED _____ REFERRED _____

-63-

BAY COUNTY BOARD OF COMMISSIONERS**10/12/10****RESOLUTION**

- BY: HUMAN SERVICES COMMITTEE (9/21/10)
- WHEREAS, The Bay County Division on Aging provides services to individuals that are enrolled in the MI Choice Waiver program administered by Region VII Area Agency on Aging and A & D Home Health Care; and
- WHEREAS, The cost of providing home delivered meals has increased, and
- WHEREAS, The Bay County Division on Aging is requesting an adjustment in the rate for home delivered meals, with the new rate of \$5.50 to begin October 1, 2010, and
- WHEREAS, The Bay County Division on Aging wishes to continue to accept referrals for home delivered meals and other services from both Region VII Area Agency on Aging and A & D Home Health Care Waiver Program; Therefore, Be It
- RESOLVED That the Bay County Board of Commissioners supports the request for a rate increase to begin October 1, 2010, with the per meal rate being adjusted to \$5.50/meal; Be It Further
- RESOLVED That the Board Chairman is authorized to sign any revisions or extensions to contract documents that may be needed as a result of this action, subject to legal review/approval; Be It Finally
- RESOLVED That any budget adjustments related to this action are approved.

MICHAEL J. DURANCZYK, CHAIR
AND COMMITTEE

DOA - Per Meal Rate Adjustment

MOVED BY COMM. _____

SUPPORTED BY COMM. _____

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Colleen M. Malliette				Brian K. Elder			
Patrick H. Beson				Ernie Krygler				Eugene F. Gwizdala			
Vaughn J. Beglick				Klm Coonan				Donald J. Tilley			

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____
VOICE: YEAS _____ NAYS _____ EXCUSED _____

DISPOSITION: ADOPTED _____ DEFEATED _____ WITHDRAWN _____
AMENDED _____ CORRECTED _____ REFERRED _____

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BAY COUNTY BOARD OF COMMISSIONERS**10/12/10****RESOLUTION**

BY: BAY COUNTY BOARD OF COMMISSIONERS

RESOLVED That the Bay County Board of Commissioners hereby approves the claims against the County as follows:

Accounts Payable:

9/15/10	\$1,810,166.93
9/22/10	\$162,319.15
9/29/10	\$1,004,677.08
10/6/10	\$208,582.38

Center Ridge Arms-Payables:

10/5/10	\$67,444.50
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BRIAN K. ELDER, CHAIR
BAY COUNTY BOARD OF COMMISSIONERS

Payables - Oct Bd Mtg

MOVED BY COMM. _____

SUPPORTED BY COMM. _____

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Colleen M. Maillette				Brian K. Elder			
Patrick H. Beson				Ernie Krygler				Eugene F. Gwizdala			
Vaughn J. Beglck				Kim Coonan				Donald J. Tilley			

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____

VOICE: YEAS _____ NAYS _____ EXCUSED _____

DISPOSITION: ADOPTED _____ DEFEATED _____ WITHDRAWN _____
AMENDED _____ CORRECTED _____ REFERRED _____

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**BAY COUNTY BOARD OF COMMISSIONERS
10/12/10**

RESOLUTION

BY: BAY COUNTY BOARD OF COMMISSIONERS (10/12/10)

RESOLVED By the Bay County Board of Commissioners that the reports of the County Executive, listed below and attached, are received:

Employment Status Report: September 2010

Workers' Compensation Report: August, September 2010

BRIAN K. ELDER, CHAIR
AND BOARD

County Executive - Status Reports

MOVED BY COMM. _____

SUPPORTED BY COMM. _____

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk				Colleen M. Maillette				Brian K. Elder			
Patrick H. Beson				Ernie Krygier				Eugene F. Gwizdala			
Vaughn J. Beglck				Kim Coonan				Donald J. Tilley			

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____

VOICE: YEAS _____ NAYS _____ EXCUSED _____

DISPOSITION: ADOPTED _____ DEFEATED _____ WITHDRAWN _____
AMENDED _____ CORRECTED _____ REFERRED _____

CHANGES IN EMPLOYMENT STATUS
September, 2010

EMPLOYEE NAME	DEPARTMENT/FUNDING	DATE
<u>NEW HIRE/APPOINTMENT</u>		
Ryan Foor	Juvenile Home	9/20/2010
PT Youth Development Worker	Juvenile Funds	
Stephanie Reed	Juvenile Home	9/20/2010
PT Youth Development Worker	Juvenile Funds	
<u>NEW HIRE (Seasonal/Temporary/On-call):</u>		
<u>Golf Course:</u>		
Brandi Studer	Clubhouse Attendant	9/20/2010
<u>Division on Aging:</u>		
Barbara Rich	On-call Site Manager	9/27/2010
Ellis McRae	On-call Driver	9/27/2010
Marlene Roach	On-call Cook	9/27/2010
<u>TRANSFER/PROMOTION:</u>		
Allen Nelson		9/01/2010
TO: Community Service Worker	Probate Court	
FROM: Day Treatment Project Assistant	Probate Court	
<u>SEPARATIONS (Seasonal/Temporary/On-call):</u>		
Eugene Graczyk		9/20/2010
On-call Day Treatment	Probate Court	
<u>Golf Course:</u>		
Carlelgh Corrion	Snack Shop Attendant	9/24/2010
Jazmine Barajas	Snack Shop Team Leader	9/24/2010
Whitney Dubay	Snack Shop Attendant	9/24/2010

Lauren Russell	Club House Attendant	9/24/2010
Nicholis Ingle	Service Assistant	9/24/2010
Thomas Tabor	Service Assistant	9/24/2010

SEPARATIONS (Regular):

Nichole Smith Office Manager/ Administrative Assistant	Friend of the Court	9/03/2010
Rene Amyotte Coordinator	Community Corrections	9/20/2010
Dennis Piasecki Cook	Division on Aging	9/10/2010

RETIREMENT:

Marshal Piper Respite Care Worker	Division on Aging	9/30/2010
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Personnel Department
July 27, 2010

WORKERS' COMPENSATION REPORT
August, 2010

EMPLOYEE NAME	DEPARTMENT	DATE OF INJURY	REASON FOR PAYMENT
Margaret Brown	Health Department	05/19/2006	Legal Only
Sandra Fader	Division on Aging	03/03/2010	Medical Only
Joann Kuhn (Retiree)	Register of Deeds	03/14/2003	Medical Only
Robert Lee	Sheriff Department	01/28/2010	Medical & Indemnity
Shirley Lijewski	Sheriff Department	06/13/2010	Medical & Indemnity
Caryn Loeffler-Truax	Housing Department	01/08/2009	Legal Only
Lynn Oliver	Animal Control	05/24/2010	Medical & Indemnity
Karl Reinhardt	Drain Commission	06/29/2010	Medical Only
Ruth Russell	Mosquito Control	08/02/2010	Medical Only
Jill Torres	Building and Grounds	04/03/2003	Medical & Indemnity
Frank Woods	Juvenile Home	07/26/2010	Medical Only

Note: Employees appear on this report if there has been a payment during the month from the self-insurance fund for a work related injury. A name appearing on this report does not necessarily mean the employee is off work. Oftentimes, medical bills are received a month or two after the date of injury.

Submitted by: Danean Wright/Bay County Finance Dept.
Dated: September 9, 2010

WORKERS' COMPENSATION REPORT
September, 2010

EMPLOYEE NAME	DEPARTMENT	DATE OF INJURY	REASON FOR PAYMENT
Margaret Brown	Health Department	05/19/2006	Legal Only
Richard Charboneau	Juvenile Home	06/05/2010	Medical Only
Sandra Fader	Division on Aging	03/03/2010	Medical Only
Tiffany Hicks	Sheriff Department	08/09/2010	Medical Only
Robert Lee	Sheriff Department	01/28/2010	Medical & Indemnity
Shirley Lijewski	Sheriff Department	06/13/2010	Medical & Indemnity
Caryn Loeffler-Truax	Housing Department	01/08/2009	Legal Only
Lynn Oliver	Animal Control	05/24/2010	Medical & Indemnity
Karl Reinhardt	Drain Commission	06/29/2010	Medical Only
Jill Torres	Building and Grounds	04/03/2003	Medical & Indemnity
Frank Woods	Juvenile Home	07/26/2010	Medical Only

Note: Employees appear on this report if there has been a payment during the month from the self-insurance fund for a work related injury. A name appearing on this report does not necessarily mean the employee is off work. Oftentimes, medical bills are received a month or two after the date of injury.

Submitted by: Danean Wright/Bay County Finance Dept.
Dated: October 4, 2010

BAY COUNTY BOARD OF COMMISSIONERS

SEPTEMBER 14, 2010

THE BAY COUNTY BOARD OF COMMISSIONERS MET FOR A REGULAR SESSION ON TUESDAY, SEPTEMBER 14, 2010, IN THE FOURTH FLOOR COMMISSION CHAMBERS OF THE BAY COUNTY BUILDING. THE MEETING WAS CALLED TO ORDER BY CHAIRMAN BRIAN K. ELDER AT 4:00 P.M. WITH THE FOLLOWING MEMBERS AND GUESTS PRESENT.

ROLL CALL: COMMISSIONERS MICHAEL J. DURANCZYK, VAUGHN J. BEGICK, COLLEEN MAILLETTE, ERNIE KRYGIER, KIM COONAN, EUGENE F. GWIZDALA, DONALD J. TILLEY AND CHAIRMAN BRIAN K. ELDER.

EXCUSED: COMMISSIONER PATRICK H. BESON

OTHER MEMBERS: CYNTHIA A. LUCZAK, BAY COUNTY CLERK
SHEILA E. SHAW, SECRETARY TO THE COUNTY CLERK
ROBERT J. REDMOND, FINANCIAL ANALYST
DEANNE C. BERGER, BOARD COORDINATOR

ALSO PRESENT: THOMAS L. HICKNER, COUNTY EXECUTIVE
TIM QUINN, PERSONNEL & EMPLOYEE RELATIONS DIRECTOR
MARTHA P. FITZHUGH, CORPORATION COUNSEL
CATHY WEAVER, "WEEK OF HOPE" PROGRAM SPOKESPERSON
DEBRA KEIM, BAY AREA WOMEN'S CENTER
DAVID DUNN, VETERANS OF FOREIGN WARS POST 6950
VARIOUS ELECTED OFFICIALS
VARIOUS DEPARTMENT HEADS
NEWS MEDIA

CHAIRMAN ELDER ASKED FOR A MOMENT OF SILENCE AFTER THE INVOCATION FOR COMMISSIONER BESON'S MOTHER, ROSEMARY M. BESON, WHO RECENTLY PASSED AWAY.

INVOCATION: THE INVOCATION WAS GIVEN BY THE BAY COUNTY CLERK, CYNTHIA A. LUCZAK.

PLEDGE OF ALLEGIANCE:

MINUTES

MOTION 70: COMM. KRYGIER MOVED TO APPROVE THE REGULAR BOARD SESSION MINUTES OF AUGUST 10, 2010. IT WAS SUPPORTED BY COMM. AND PASSED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED - BESON.

CITIZEN INPUT

CHAIRMAN ELDER OFFERED TO ACCEPT COMMENTS OF CITIZENS WISHING TO ADDRESS THE BOARD WITH THEIR CONCERNS.

NO ONE CAME FORWARD TO ADDRESS THE BOARD AT THIS TIME.

PETITIONS AND COMMUNICATIONS

RES. 2010-177: COMM. DURANCZYK MOVED TO ADOPT RES. 2010-177 OFFERING APPRECIATION TO ALL THOSE WHO PLANNED THE "WEEK OF HOPE" PROGRAM FOR SUMMER 2010. THE BAY COUNTY DIVISION ON AGING WORKED WITH ORGANIZERS OF THE "WEEK OF HOPE" TO FINALIZE AN AGREEMENT FOR PARTICIPATING IN A SUMMER PROGRAM WHICH ASSISTED SENIOR CITIZENS IN YARD CLEAN-UP AND RELATED PROJECTS. MANY YOUTH STAYED IN BAY COUNTY FOR SIX WEEKS MAKING IMPROVEMENTS THAT BENEFITTED THE LESS FORTUNATE IN OUR COUNTY. IT WAS SUPPORTED BY COMM. COONAN AND CARRIED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED - BESON.

CHAIRMAN ELDER ASKED THE COUNTY CLERK TO READ RES. 2010-177. COMM. DURANCZYK PRESENTED A PLAQUE TO MS. CATHY WEAVER FOR THE "WEEK OF HOPE" PROGRAM. MS. WEAVER SAID IT IS A GREAT PROGRAM THAT WENT THROUGH TRANSITIONS THIS YEAR AND VOLUNTEERS PERFORMED A VARIETY OF DIFFERENT JOBS. SHE SAID THE PROGRAM WILL BE PROVIDED IN 2011.

RES. 2010-178: COMM. TILLEY MOVED TO ADOPT RES. 2010-178 PROCLAIMING THE MONTH OF OCTOBER AS DOMESTIC VIOLENCE AWARENESS MONTH IN BAY COUNTY AND URGES OUR CITIZENS TO OBSERVE THIS MONTH BY BECOMING AWARE OF THE TRAGEDY OF DOMESTIC VIOLENCE AND SUPPORTING THOSE WHO ARE WORKING TOWARD ITS END. IT WAS SUPPORTED BY COMM. KRYGIER AND ADOPTED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED - BESON.

COUNTY CLERK, CYNTHIA A. LUCZAK READ RES. 2010-178. CHAIRMAN ELDER PRESENTED THE PLAQUE TO DEBRA KEIM FROM THE BAY AREA WOMEN'S CENTER. MS. KEIM THANKED THE BOARD AND LISTED SEVERAL EVENTS THAT ARE SCHEDULED FOR DOMESTIC VIOLENCE AWARENESS MONTH INCLUDING A "DAY OF UNITY" CANDLELIGHT VIGIL AND LUNA FESTIVAL FAMILY FILM NIGHT. FOR MORE INFORMATION YOU CAN CALL THE BAY AREA WOMEN'S CENTER.

RES. 2010-179: COMM. KRYGIER MOVED TO ADOPT RES. 2010-179 OFFERING SINCERE APPRECIATION TO THE VETERAN'S OF FOREIGN WARS POST 6950 AND ITS LADIES AUXILIARY FOR THEIR GENEROUS GIFT OF RAISING FUNDS TO ALLOW CHILDREN TO SWIM FREE ON THURSDAYS AT THE BAY COUNTY COMMUNITY CENTER POOL. IT WAS SUPPORTED BY COMM. MAILLETTE AND PASSED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED - BESON.

THE COUNTY CLERK READ RES. 2010-179. CHAIRMAN ELDER PRESENTED A PLAQUE TO THE VETERAN'S OF FOREIGN WARS POST 6950. DAVID DUNN WAS ONE OF THE REPRESENTATIVES WHO ACCEPTED THE PLAQUE AND THANKED THE BOARD FOR THE RECOGNITION. HE SAID THERE IS A DESIRE OF POSSIBLY EXPANDING THE PROGRAM TO TWO (2) DAYS AND SAID OUR CHILDREN ARE OUR FUTURE. ANOTHER PLAQUE WAS PRESENTED TO A REPRESENTATIVE OF THE LADIES AUXILIARY. BRENT GOIK, RECREATION AND CLUBHOUSE SUPERVISOR, STATED THE BAY COUNTY RECREATION HAD 4,500 CHILDREN SWIM AND OVER 2,000 WERE DUE TO THE FREE SWIM.

RES. 2010-180: COMM. COONAN MOVED TO ADOPT RES. 2010-180 CONGRATULATING THE SAGINAW VALLEY BABE RUTH 13-15 ALL STAR BASEBALL TEAM WHO WAS CROWNED NATIONAL RUNNERS-UP AT THE BABE RUTH WORLD SERIES HELD IN MONTICELLO, TEXAS. THE SAGINAW VALLEY TEAM COMPLETED A 16-3 RECORD WHICH INCLUDED A MICHIGAN STATE CHAMPIONSHIP AND THE OHIO VALLEY REGIONAL CHAMPIONSHIP. IT WAS SUPPORTED BY COMM. GWIZDALA AND CARRIED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED - BESON.

CHAIRMAN ELDER SAID THERE WILL BE A FORMAL PRESENTATION TO THE TEAM NEXT MONTH.

RES. 2010-181: COMM. BEGICK MOVED TO ADOPT RES. 2010-181 DESIGNATING SUNDAY, OCTOBER 3, 2010 AS SAGINAW RIVER COAST GUARD RECOGNITION DAY IN BAY COUNTY, HONORING THE LOCAL COAST GUARD. IT WAS SUPPORTED BY COMM. DURANCZYK AND ADOPTED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED - BESON.

THE COUNTY CLERK READ RES. 2010-181 AND COMM. BEGICK PRESENTED A PLAQUE TO COAST GUARD REPRESENTATIVES. THEY THANKED THE BOARD FOR THE RECOGNITION AND ENCOURAGED CITIZENS TO ATTEND A CEREMONY HONORING THE COAST GUARD ON OCTOBER 3, 2010 AT 3:00 P.M. AT ZION LUTHERAN CHURCH, 510 W. IVY IN BAY CITY, MICHIGAN.

RES. 2010-182: COMM. KRYGIER MOVED TO ADOPT RES. 2010-182 COMMENDING BRENT GOIK, RECREATION AND CLUBHOUSE SUPERVISOR, AND RICHARD C. PABALIS, SUPERINTENDENT OF BUILDINGS & GROUNDS, FOR THEIR MICHIGAN WORKS! MVP AWARDS. IT WAS SUPPORTED BY COMM. COONAN AND PASSED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED - BESON.

CHAIRMAN ELDER ASKED THE COUNTY CLERK TO READ RES. 2010-182 AND HE PRESENTED PLAQUES TO BRENT GOIK AND RICHARD PABALIS FOR THEIR MVP AWARDS AND GREAT PUBLIC SERVICE.

MOTION 71: COMM. KRYGIER MOVED TO RECEIVE THE LETTER DATED AUGUST 13, 2010 FROM THE CITY OF BAY CITY FOR APPLICATION FOR OBSOLETE PROPERTY REHABILITATION EXEMPTION CERTIFICATE FROM TOM LAPORTE FOR PROPERTY LOCATED AT 822 WASHINGTON AVENUE, 4TH FLOOR, LOFT AND ROOF DECK, BAY CITY, MI IN THE AMOUNT OF \$170,000.00. IT WAS SUPPORTED BY COMM. DURANCZYK AND CARRIED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED - BESON.

MOTION 72: COMM. KRYGIER MOVED TO RECEIVE THE LETTER DATED AUGUST 11, 2010 FROM THE CITY OF BAY CITY FOR APPLICATION FOR AN INDUSTRIAL FACILITIES TAX EXEMPTION CERTIFICATE FROM MERSEN USA BN CORP., BAY CITY, MI FOR PROPERTY LOCATED AT 900 HARRISON STREET, BAY CITY, MI IN THE AMOUNT OF \$490,000.00. IT WAS SUPPORTED BY COMM. BEGICK AND ADOPTED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED - BESON.

REPORTS/RESOLUTIONS OF COMMITTEES**WAYS AND MEANS, DONALD J. TILLEY, CHAIRMAN;
EUGENE F. GWIZDALA, VICE CHAIR**

- RES. 2010-183: COMM. TILLEY MOVED TO ADOPT RES. 2010-183 APPROVING THE SELECTION OF IYETEK AS THE VENDOR OF CHOICE FOR THE E-TICKETING PROGRAM IN BAY COUNTY. IYETEK'S QUOTATION IS \$70,240.50, HOWEVER, THE JUDICIAL MANAGEMENT SYSTEMS (JMS), 74TH DISTRICT COURT'S SOFTWARE VENDOR, DOES NOT HAVE AN INTERFACE MODULE AVAILABLE FOR IYETEK. THEREFORE, AT BAY COUNTY'S REQUEST, JMS IS WORKING WITH IYETEK TO PREPARE A QUOTE FOR CREATION OF THIS MODULE WHICH WILL RESULT IN AN INCREASED COST YET TO BE DETERMINED. FURTHER, TO AUTHORIZE THE BOARD CHAIRMAN TO EXECUTE ALL RELATED DOCUMENTS FOLLOWING LEGAL REVIEW AND THAT BUDGET ADJUSTMENTS, IF REQUIRED, ARE APPROVED. IT WAS SUPPORTED BY COMM. GWIZDALA AND PASSED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED - BESON.
- RES. 2010-184: COMM. TILLEY MOVED TO ADOPT RES. 2010-184 THE MICHIGAN MUNICIPAL RISK MANAGEMENT AUTHORITY (MMRMA) APPROVED THE BAY COUNTY SHERIFF'S APPLICATION TO COVER 50% OF THE COST OF A RESTRAINT CHAIR TO BE USED BY CORRECTIONS STAFF TO IMMOBILIZE EXTREMELY VIOLENT INMATES. THE TOTAL COST OF THE RESTRAINT CHAIR PROJECT IS \$1,525.00 AND THE COUNTY'S 50% SHARE TOTALS \$762.50, HOWEVER, FUNDS HAVE NOT BEEN BUDGETED FOR THIS PURCHASE. THEREFORE, BAY COUNTY ACCEPTS THE MMRMA GRANT FOR THE RESTRAINT CHAIR AND ALLOCATES THE COUNTY'S MATCH PORTION OF \$762.50 FROM FUND BALANCE. FURTHER, AUTHORIZING THE BOARD CHAIRMAN TO EXECUTE ANY DOCUMENTS REQUIRED FOLLOWING LEGAL REVIEW AND THAT BUDGET ADJUSTMENTS, IF REQUIRED, ARE APPROVED. IT WAS SUPPORTED BY COMM. GWIZDALA AND CARRIED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED - BESON.
- RES. 2010-185: COMM. TILLEY MOVED TO ADOPT RES. 2010-185 APPROVING APPLICATION FOR SECONDARY ROAD PATROL (PA 416) AND TRAFFIC ACCIDENT PREVENTION PROGRAM FUNDING FOR 2010-2011. THE BAY COUNTY SHERIFF DEPARTMENT HAS PARTICIPATED IN THE SECONDARY ROAD PATROL (PA 416) STATE OFFICE OF

HIGHWAY SAFETY GRANT FOR SEVERAL YEARS. THE GRANT HAS PROVIDED FUNDING FOR THREE (3) OFFICERS, TWO (2) PATROL VEHICLES AND ADDITIONAL SUPPORT EQUIPMENT. GRANT FUNDING IN THE PROJECTED AMOUNT OF \$149,900.00 IS AVAILABLE FOR FY 2010-2011 AND NO LOCAL FUNDING MATCH IS REQUIRED. FURTHER, AUTHORIZING THE BOARD CHAIRMAN TO EXECUTE ALL DOCUMENTS RELATED TO THIS GRANT FOLLOWING LEGAL REVIEW AND THAT REQUIRED BUDGET ADJUSTMENTS ARE APPROVED. IT WAS SUPPORTED BY COMM. KRYGIER AND ADOPTED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED - BESON.

RES. 2010-186: COMM. TILLEY MOVED TO ADOPT RES. 2010-186 APPROVING THE PURCHASE OF AN "IDENTIPHOTO" SYSTEM BY THE INFORMATION SYSTEMS DEPARTMENT FOR THE PROCESSING OF CONCEALED WEAPONS PERMITS IN THE BAY COUNTY CLERK'S OFFICE, WITH MONIES TO COME FROM FUND BALANCE. THIS SYSTEM, WHICH WILL AFFIX THE PHOTOGRAPH BY SCANNED, DIGITIZED MEANS, WILL WORK IN CONJUNCTION WITH SOFTWARE APPLICATIONS PURCHASED FROM EATON COUNTY AND WILL PRODUCE A SECURED CONCEALED WEAPON PERMITS IN AN EXPEDITIOUS MANNER. FURTHER, AUTHORIZING THE BOARD CHAIRMAN TO EXECUTE ANY DOCUMENTS REQUIRED FOLLOWING LEGAL REVIEW AND THAT BUDGET ADJUSTMENTS REQUIRED WILL BE SUBMITTED FOR APPROVAL IN OCTOBER 2010. IT WAS SUPPORTED BY COMM. GWIZDALA FOR DISCUSSION.

COMM. BEGICK SAID CURRENTLY THERE IS A BILL PENDING IN THE HOUSE TO HAVE THE STATE TAKE OVER THE PROCESS OF CONCEALED WEAPONS PERMITS, HOWEVER, AT THIS POINT NOTHING WAS FINAL. COMM. COONAN NOTED THAT EXPENDITURES FOR THE EQUIPMENT WAS REDUCED FROM \$8,000.00 TO \$3,000.00. BOB REDMOND SAID IT IS THE SAME EQUIPMENT FROM THE SAME COMPANY AND THE SOFTWARE MAY BE LESS ALSO. MR. REDMOND SAID THAT NEXT MONTH IT MAY BE NECESSARY TO ADD SUPPLIES FOR THE CLERK'S OFFICE. HE SAID THERE ARE TWO (2) BILLS CURRENTLY IN THE HOUSE, THE LATEST ONE WAS INTRODUCED SEPTEMBER 1, 2010 AND EVEN IF THE STATE TAKES THIS PROCESS OVER, THE EQUIPMENT CAN STILL BE USED IN THE COUNTY.

RES. 2010-186 WAS PASSED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED - BESON.

- RES. 2010-187: COMM. TILLEY MOVED TO ADOPT RES. 2010-187 AMENDING RES. 2010-55 TO INCLUDE THE I-75 COMPONENT IN THE PINCONNING TOWNSHIP RECOVERY ZONE ECONOMIC DEVELOPMENT BOND (RZEDB) ALLOCATION. THIS AMENDMENT WILL IMPROVE AND EXTEND ITS EXISTING WATER SYSTEM TO THE WEST SIDE OF THE I-75/PINCONNING ROAD INTERCHANGE TO SERVICE ADDITIONAL CUSTOMERS AND PROPERTIES AND ENHANCE AND PROMOTE PUBLIC WELFARE. THE TOWNSHIPS AS-BID COST FOR THE TOWNSHIPS I-75 COMPONENT IS \$151,000.00 AND THE AS-BID ESTIMATE COST FOR THE TOWNSHIPS M-13 WATER EXTENSION IS \$465,000.00. THE COMBINED PROJECT TOTAL IS \$616,000.00, \$134,000 UNDER THE RECOVERY ZONE ECONOMIC DEVELOPMENT BOND ALLOCATION OF \$750,000.00. IT IS THE INTENT OF PINCONNING TOWNSHIP TO RELINQUISH THE REMAINING \$134,000.00 COUNTY RZEDB ALLOCATION. FURTHER, AUTHORIZING THE BOARD CHAIR TO EXECUTE ANY DOCUMENTS REQUIRED FOLLOWING LEGAL REVIEW. ADDITIONALLY, THAT BAY COUNTY ACCEPTS THE \$134,000.00 ALLOCATION REMAINING FROM THE PINCONNING TOWNSHIP M-13 AND I-75 PROJECTS. IT WAS SUPPORTED BY COMM. DURANCZYK AND CARRIED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED - BESON.
- RES. 2010-188: COMM. TILLEY MOVED TO ADOPT RES. 2010-188, THAT IN 2009 THE UNITED STATES DEPARTMENT OF TREASURY ANNOUNCED AN INTEREST/TAX CREDIT PROGRAM FOR PUBLIC ENTITIES AND PRIVATE BUSINESSES UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA). BAY COUNTY WAS ALLOCATED \$6,612,000 FOR PUBLIC ENTITIES AND \$9,917,000.00 FOR PUBLIC BUSINESSES. THEREBY, TO APPROVE THE ALLOCATION OF \$3,145,161.00 OF THE \$9,917,000.00 IN RECOVERY ZONE FACILITY BONDS, INTEREST/TAX CREDIT PROGRAM, TO RENOSOL CORPORATION. THE RENOSOL CORPORATION IS A TECHNOLOGY-BASED COMPANY AND AUTOMOTIVE SUPPLIER WHICH IS PROPOSING TO RE-EQUIP ITS BAY CITY MICHIGAN PLANT TO CREATE A MANUFACTURING FACILITY FOR COMPOSITE LEAF SPRINGS FOR VANS, LIGHT, MEDIUM AND HEAVY DUTY TRUCKS AND TRAILERS. FURTHER, AUTHORIZING THE BOARD CHAIRMAN TO EXECUTE ALL DOCUMENTS REQUIRED FOLLOWING LEGAL REVIEW. IT WAS SUPPORTED BY COMM. KRYGIER AND ADOPTED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED - BESON.

- RES. 2010-189: COMM. TILLEY MOVED TO ADOPT RES. 2010-189 AUTHORIZING BAY COUNTY ADMINISTRATIVE SERVICES TO ACT AS THE FIDUCIARY AGENT FOR REGION 3. BAY COUNTY IS INCLUDED IN REGION 3 WHICH EQUATES TO THE MICHIGAN STATE POLICE REGION 3 AND IS COMPRISED OF 14 COUNTIES AND HAS BEEN TASKED BY THE MICHIGAN EMERGENCY MANAGEMENT AND HOMELAND SECURITY DIVISION TO UNITE PUBLIC OFFICIALS TO ADDRESS COMMON PROBLEMS. THE GRANT AWARD FOR REGION 3 IS \$93,543.00 AND THE FIDUCIARY AGENT WILL BE ALLOWED 5% (\$4,677.15) FOR MANAGEMENT AND ADMINISTRATION OF THE GRANT. FURTHER, THE BOARD CHAIRMAN IS AUTHORIZED TO EXECUTE THE GRANT CONTRACT AND ALL REQUIRED DOCUMENTS FOLLOWING LEGAL REVIEW AND THAT REQUIRED BUDGET ADJUSTMENTS ARE APPROVED. IT WAS SUPPORTED BY COMM. MAILLETTE AND PASSED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED - BESON.
- RES. 2010-190: COMM. TILLEY MOVED TO ADOPT RES. 2010-190 APPROVING THE INFORMATION SYSTEMS DIRECTORS ISERIES REPLACEMENT PROPOSAL. THE PROPOSAL TO INCLUDE ACQUISITION OF A USED ISERIES AT A COST OF \$6,000.00, IBM OPERATING SYSTEM RELEASE LEVEL OF 6.1 AND MIGRATION SERVICES TO THE NEW USER MODEL AT A COST OF \$3,500.00 AND UPGRADE OF THE CURRENT 520 TWO (2) PARTITIONS, (ONE FOR CENTRAL DISPATCH/SHERIFF AND THE OTHER FOR COUNTY PROCESSING), TO RELEASE LEVEL 6.1 AT A COST OF \$5,700.00. ALSO, THAT THE 2010 COST OF THE ISERIES REPLACEMENT/UPGRADE OF \$15,200.00 SHALL BE SHARED BY THE COUNTY (\$7,600.00) AND 911 MILLAGE FUNDS (\$7,600.00) WITH THE GENERAL FUND PORTION TO COME FROM FUND BALANCE. FURTHER, AUTHORIZING THE BOARD CHAIRMAN TO EXECUTE ANY DOCUMENTS REQUIRED FOLLOWING LEGAL REVIEW AND THAT REQUIRED BUDGET ADJUSTMENTS ARE APPROVED. IT WAS SUPPORTED BY COMM. COONAN AND CARRIED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED - BESON.
- RES. 2010-191: COMM. TILLEY MOVED TO ADOPT RES. 2010-191 APPROVING THE CONTRACT WITH NET SOURCE ONE FOR DISASTER RECOVERY SERVICES COMMENCING 12/15/10. THE ISERIES PLATFORM TOTAL COST OF THE AGREEMENT IS \$4,500.00 AND THE VM WARE PLATFORMS YEARLY AMOUNT IS \$7,200.00. FUNDS FOR DISASTER RECOVERY SERVICES ARE BUDGETED IN 2010 AND WILL BE INCLUDED IN THE 2011 BUDGET. FURTHER, AUTHORIZING THE BOARD CHAIRMAN TO EXECUTE SAID CONTRACT AND RELATED

DOCUMENTS FOLLOWING LEGAL REVIEW AND THAT BUDGET ADJUSTMENTS, IF REQUIRED, ARE APPROVED. IT WAS SUPPORTED BY COMM. BEGICK AND ADOPTED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED - BESON.

RES. 2010-192: COMM. TILLEY MOVED TO ADOPT RES. 2010-192 APPROVING THE MEMORANDUM OF AGREEMENT BETWEEN BAY COUNTY ISD AND BAY ARENAC INTERMEDIATE SCHOOL DISTRICT AND SAGINAW VALLEY STATE UNIVERSITY, STATING THAT BAY COUNTY WILL HAVE ACCESS TO THE FIBER THAT RUNS ALONG 1ST STREET FOR THREE YEARS. THE AGREEMENT INCLUDES A YEAR TO YEAR RENEWAL CLAUSE AS WELL AS A CLAUSE ALLOWING FOR WRITTEN TERMINATION. ALSO, OTHER THAN THE CONNECTION COST, PROJECTED TO BE UNDER \$10,000.00, THERE IS NO ADDITIONAL COST TO BAY COUNTY AND HOMELAND SECURITY GRANT FUNDING IS BEING PURSUED TO COVER THE CONNECTION COST. FURTHER, TO AUTHORIZE THE BOARD CHAIRMAN TO EXECUTE SAID AGREEMENT FOLLOWING LEGAL REVIEW, TO UTILIZE HOMELAND SECURITY GRANT FUNDS FOR FIBER CONNECTION, AND APPROVE ANY BUDGET ADJUSTMENTS THAT MAY BE REQUIRED. IT WAS SUPPORTED BY COMM. MAILLETTE AND PASSED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED - BESON.

RES. 2010-193: COMM. TILLEY MOVED TO ADOPT RES. 2010-193 ACCEPTING THE DONATION OF \$1,200.00 FROM THE BAY AREA RUNNERS CLUB TOWARDS ENHANCEMENT OF THE WEIGHT ROOM AND THE PURCHASE OF AN ELLIPTICAL MACHINE FOR THE BAY COUNTY COMMUNITY CENTER. FURTHER, AUTHORIZING THE BOARD CHAIRMAN TO EXECUTE ANY DOCUMENTS REQUIRED FOLLOWING LEGAL REVIEW AND THAT BUDGET ADJUSTMENTS REQUIRED ARE APPROVED. IT WAS SUPPORTED BY COMM. KRYGIER AND CARRIED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED - BESON.

RES. 2010-194: COMM. TILLEY MOVED TO ADOPT RES. 2010-194 EXECUTING THE EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) PROGRAM AGREEMENT FOR FY 2010. THE FEDERAL EMERGENCY MANAGEMENT AGENCY PROVIDES \$24,382.00 IN FEDERAL FUNDS THROUGH THE EMPG PROGRAM FOR STATE AND LOCAL EMERGENCY MANAGEMENT PROGRAM TO COVER EXPENSES. FURTHER, AUTHORIZING THE BOAR CHAIR TO EXECUTE THE EMPG PROGRAM AGREEMENT FOR FY 2010 AND ALL RELATED DOCUMENTS FOLLOWING LEGAL REVIEW AND THAT BUDGET ADJUSTMENTS

PERTAINING TO THIS GRANT ARE APPROVED. IT WAS SUPPORTED BY COMM. MAILLETTE AND ADOPTED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED - BESON.

RES. 2010-195: COMM. TILLEY MOVED TO ADOPT RES. 2010-195 ADOPTING THE NATIONAL ASSOCIATION OF COUNTIES DEFERRED COMPENSATION PROGRAM, THE DEFERRED COMPENSATION PLAN FOR PUBLIC EMPLOYEES, LOANS TO PARTICIPANTS AMENDMENT TO PLAN DOCUMENT. TO MODIFY BAY COUNTY'S POLICY REGARDING ADMINISTRATION OF THE 457(b) PLANS TO INCLUDE PROVISIONS FOR PARTICIPANT LOANS SIMILAR TO THE LOAN PROVISION PROVIDED IN THE COUNTY'S 401 (k) PLAN WITH ADMINISTRATION OF LOANS TO BE HANDLED BY NATIONWIDE RETIREMENT SOLUTIONS. THERE IS NO FINANCIAL IMPACT ON BAY COUNTY. FURTHER, AUTHORIZING THE BOARD CHAIRMAN TO EXECUTE ANY DOCUMENTATION REQUIRED TO IMPLEMENT THE 457 (b) MODIFICATION FOLLOWING LEGAL REVIEW. IT WAS SUPPORTED BY COMM. COONAN AND PASSED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED - BESON.

RES. 2010-196: COMM. TILLEY MOVED TO ADOPT RES. 2010-196 APPROVING VARIOUS BUDGET ADJUSTMENTS. IT WAS SUPPORTED BY COMM. DURANCZYK AND CARRIED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED - BESON.

BOB REDMOND SAID RES. 2010-100 WAS APPROVED MAY 11, 2010, HOWEVER, THE FUNDING SOURCE WAS NOT IN THE RESOLUTION, THEREFORE, THE FOLLOWING MOTION WAS PASSED.

MOTION 73: COMM. TILLEY MOVED TO AMEND RESOLUTION 2010-100, ADOPTED MAY 11, 2010, AUTHORIZING THE PURCHASE OF TWO (2) LAPTOPS AND TWO (2) ADDITIONAL COPIES OF MICROSOFT OFFICE FOR THE BAY COUNTY JUVENILE HOME, IN THE AMOUNT OF \$3,314.68, TO INCLUDE THE FUNDING SOURCE IS THE GENERAL FUND FUND BALANCE. IT WAS SUPPORTED BY COMM. KRYGIER AND ADOPTED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED - BESON.

**PERSONNEL/JUDICIAL, ERNIE KRYGIER, CHAIRMAN;
KIM COONAN, VICE CHAIR**

RES. 2010-197: COMM. KRYGIER MOVED TO ADOPT RES. 2010-197 GRANTING THE PROVISIONS LISTED BELOW TO NON-REPRESENTED FULL-TIME BAY COUNTY EMPLOYEES:

1. "EACH EMPLOYEE COVERED BY THIS AGREEMENT SHALL BE ENTITLED TO THREE PERSONAL HOLIDAYS FOR EACH YEAR OF THIS AGREEMENT IN ADDITION TO THE OTHER TIME OFF PROVISIONS OF THIS SECTION 19. SUCH HOLIDAYS SHALL BE ADMINISTERED IN THE SAME MANNER AS **SECTION 18, VACATION AND SECTION 10, SCHEDULING**. THESE DAYS MUST BE TAKEN OFF BY DECEMBER 31, 2011, OR THEY SHALL BE FORFEITED. IN NO EVENT SHALL ANY EMPLOYEE RECEIVE PAY IN LIEU OF TAKING THESE SIX DAYS OFF OR BE PAID OVERTIME FOR WORKING ON A PREVIOUSLY SCHEDULED PERSONAL HOLIDAY."

2. "BENEFITS PRIOR TO THIS MEMORANDUM OF UNDERSTANDING REQUIRED THAT A MAMMOGRAPHY BE COVERED ONE PER CALENDAR YEAR, NO AGE RESTRICTIONS AT 80% AFTER DEDUCTIBLE. SUBSECTION 10.A. ELIMINATES THE DEDUCTIBLE AND PERCENT CO-PAY REQUIREMENTS FROM SCREENING MAMMOGRAPHY SERVICES PROVIDED BY PPO NETWORK PROVIDERS."

3. "BENEFITS PRIOR TO THIS MEMORANDUM OF UNDERSTANDING DID NOT COVER ADULT IMMUNIZATIONS, ONLY CHILDHOOD IMMUNIZATIONS UP TO THE AGE OF 16. SUBSECTION 10.B. ADDS ADULT IMMUNIZATIONS APPROVED BY BCBS UNDER THIS ADDITIONAL BENEFIT RIDER AS RECOMMENDED BY THE ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES AND THE AMERICAN ACADEMY OF PEDIATRICS WHEN PROVIDED BY PARTICIPATING PROVIDER."

4. "BENEFITS PRIOR TO THIS MEMORANDUM OF UNDERSTANDING FOR PREVENTIVE CARE SERVICES WERE SUBJECT TO A \$250 MAXIMUM (CAP) PER MEMBER PER CALENDAR YEAR. SUBSECTION 10.C. ELIMINATES THE CAP, SO THAT ALL PREVENTIVE SERVICES AS DICTATED BY THE BCBS COVERAGE BECOME COVERED AT 100% UP TO THE PLAN LIMITS WITHOUT A CAP ON THE MAXIMUM DOLLARS SPENT IN THIS CATEGORY."

IT WAS SUPPORTED BY COMM. DURANCZYK AND PASSED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED - BESON.

RES. 2010-198: COMM. KRYGIER MOVED TO ADOPT RES. 2010-198 APPROVAL TO ENTER INTO A CONTRACT WITH BASIC TO CONDUCT AN AUDIT OF COUNTY EMPLOYEES/DEPENDENT HEALTH CARE COVERAGE AT A COST NOT TO EXCEED \$8,000.00, WITH MONIES TO COME FROM FUND BALANCE. THE NATIONAL AVERAGE FOR CONDUCTING A SURVEY OF EMPLOYEES REVEALS THAT BETWEEN 5-15% OF

EMPLOYEES HAVE INELIGIBLE DEPENDENTS ON THEIR HEALTH INSURANCE POLICIES. AT AN AVERAGE OF \$2,400.00 PER DEPENDENT PER YEAR (NATIONAL AVERAGE), THIS WOULD AMOUNT TO AN OVERPAYMENT BY THE COUNTY BETWEEN \$43,000.00 AND \$120,000.00 A YEAR. THEREFORE, THE AUDIT WILL BE CONDUCTED CONCURRENTLY WITH THE ANNUAL HEALTH CARE ENROLLMENT AND EMPLOYEES WILL BE NOTIFIED OF THE AUDIT PRIOR TO THE ENROLLMENT PERIOD. ALL SUPPORTING DOCUMENTATION GATHERED BY BASIC WILL BE TURNED OVER TO THE COUNTY AT THE END OF THE AUDIT. FURTHER, AUTHORIZING THE BOARD CHAIRMAN TO EXECUTE SAID CONTRACT FOLLOWING LEGAL REVIEW AND THAT BUDGET ADJUSTMENTS REQUIRED ARE APPROVED. IT WAS SUPPORTED BY COMM. MAILLETTE AND CARRIED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED - BESON.

RES. 2010-199: COMM. KRYGIER MOVED TO ADOPT RES. 2010-199 ENTERING INTO AN AGREEMENT WITH MEDTIPSTER, LLC TO EFFECTUATE COVERAGE BY 10/1/10 AT A COST OF \$9,720.00 , FOR 340 COVERED EMPLOYEES AND 200 RETIREES, WITH MONIES TO COME FROM FUND BALANCE. MEDTIPSTER, LLC IS A PRESCRIPTION BENEFIT OVERLAY FOR A TRADITIONAL PHARMACY BENEFIT PLAN WHICH SURVEYS COSTS FOR GENERIC MEDICATIONS AT PHARMACIES ACROSS THE UNITED STATES. FURTHER, AUTHORIZING THE BOARD CHAIRMAN TO EXECUTE SAID AGREEMENT FOLLOWING LEGAL REVIEW AND THAT BUDGET ADJUSTMENTS REQUIRED ARE APPROVED. IT WAS SUPPORTED BY COMM. TILLEY FOR DISCUSSION.

COMM. COONAN HAD SOME QUESTIONS IN REGARD TO THE DRUG CARD AND HOW IT WAS GOING TO BE ADMINISTERED. MR. QUINN EXPLAINED THE PROCESS AND SAID SAVINGS COULD POTENTIALLY BE 40% THE FIRST YEAR WITH MEDTIPSTER, LLC.

RES. 2010-199 WAS ADOPTED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED - BESON.

RES. 2010-200: COMM. KRYGIER MOVED TO ADOPT RES. 2010-200 CONCURRING TO POST/ADVERTISE/FILL THE FOLLOWING VACANCIES WITH MONIES FOR SAID POSITIONS TO COME FROM THE RESPECTIVE DEPARTMENTAL BUDGETS:

1. 911 CENTRAL DISPATCH - CHIEF DISPATCHER, FULL TIME AT \$14.27/PER HOUR ENTRY.
2. 911 CENTRAL DISPATCH - DISPATCHER, FULL TIME AT \$12.57/PER HOUR ENTRY.

FURTHER, THAT BUDGET ADJUSTMENTS, IF REQUIRED, ARE APPROVED AND IT IS UNDERSTOOD THAT ANY POSITIONS FUNDED THROUGH A GRANT SHALL BE TERMINATED IF GRANT FUNDING IS TERMINATED. IT WAS SUPPORTED BY COMM. TILLEY AND PASSED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED - BESON.

**HUMAN SERVICES, MICHAEL J. DURANCZYK CHAIRMAN;
VAUGHN J. BEGICK, VICE CHAIR**

RES. 2010-201: COMM. DURANCZYK MOVED TO ADOPT RES. 2010-201 ADOPTING THE BAY COUNTY HOUSING DEPARTMENT'S VIOLENCE AGAINST WOMEN ACT (VAWA) POLICY. THE VIOLENCE AGAINST WOMEN ACT OF 2005 IS A FEDERAL LAW PROTECTING VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, STALKING AND VICTIMS LIVING IN PUBLIC HOUSING OR APPLYING FOR PUBLIC HOUSING ANYWHERE IN THE COUNTRY AND REQUIRES ALL PUBLIC HOUSING AGENCIES HAVE A VAWA POLICY. IT WAS SUPPORTED BY COMM. MAILLETTE AND CARRIED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED - BESON.

RES. 2010-202: COMM. DURANCZYK MOVED TO ADOPT RES. 2010-202 APPROVING THE CONTRACTUAL ARRANGEMENT BETWEEN BAY COUNTY AND MOBILE MEDICAL RESPONSE, INC. TO PROVIDE TRANSPORTATION OF HUMAN REMAINS TO THE MORGUE AT A RATE OF \$100.00 PER TRANSPORT WITHIN AREAS IN BAY COUNTY IN WHICH THE CURRENT PROVIDER, BAY REGIONAL MEDICAL CENTER EMERGENCY MEDICAL SERVICES, DOES NOT PROVIDE TRANSPORTATION. ALSO, ADDITIONAL TRANSPORTATION COSTS WERE NOT BUDGETED BY THE HEALTH DEPARTMENT FOR 2010, THEREFORE, AN APPROPRIATION OF \$4,000.00 IS NECESSARY. FURTHER, AUTHORIZING THE BOARD CHAIRMAN TO EXECUTE SAID CONTRACT FOLLOWING LEGAL REVIEW AND THAT \$4,000.00 IS APPROPRIATED FROM FUND BALANCE TO COVER THE ADDITIONAL EXPENSE. IT WAS SUPPORTED BY COMM. COONAN AND ADOPTED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED - BESON.

RES. 2010-203: COMM. DURANCZYK MOVED TO ADOPT RES. 2010-203 APPROVING THE AMENDMENT TO THE AGREEMENT BETWEEN BAY COUNTY HEALTH DEPARTMENT AND BAY REGIONAL MEDICAL CENTER FOR USE OF MORGUE FACILITIES THROUGH DECEMBER 2011 AT A RATE OF \$9,600.00 ANNUALLY AND THESE FUNDS HAVE BEEN BUDGETED. FURTHER, TO AUTHORIZE THE BOARD CHAIR TO EXECUTE SAID AMENDMENT FOLLOWING LEGAL REVIEW AND THAT BUDGET ADJUSTMENTS, IF REQUIRED, ARE APPROVED. IT WAS SUPPORTED BY COMM. TILLEY AND PASSED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED - BESON.

BOARD OF COMM., BRIAN K. ELDER, CHAIRMAN; PATRICK H. BESON, VICE CHAIR

RES. 2010-204: COMM. GWIZDALA MOVED TO ADOPT RES. 2010-204 APPROVING THE CLAIMS AGAINST THE COUNTY AS FOLLOWS: ACCOUNTS PAYABLE FOR 8/11/10, 8/18/10, 8/25/10, 9/1/10, 9/8/10; BAYANET FOR 7/1/10-7/31/10, 8/1/10-8/31/10 AND CENTER RIDGE ARMS PAYABLES FOR 9/8/10. IT WAS SUPPORTED BY COMM. KRYGIER AND CARRIED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED - BESON.

RES. 2010-205: COMM. GWIZDALA MOVED TO ADOPT RES. 2010-205 RECEIVING THE REPORTS OF THE COUNTY EXECUTIVE AS FOLLOWS: EMPLOYMENT STATUS REPORT FOR AUGUST 2010 AND WORKERS' COMPENSATION REPORT FOR JULY 2010. IT WAS SUPPORTED BY COMM. TILLEY AND ADOPTED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED - BESON.

REPORTS OF COUNTY OFFICIALS/DEPARTMENTS

THERE WERE NO REPORTS OF COUNTY OFFICIALS/DEPARTMENTS.

UNFINISHED BUSINESS

THERE WAS NO UNFINISHED BUSINESS.

NEW BUSINESS

MOTION 74: COMM. TILLEY MOVED IN ORDER TO MEET THE APPLICATION DEADLINE OF 10/1/10, AUTHORIZATION IS GRANTED TO SUBMIT A GRANT APPLICATION TO THE BAY AREA COMMUNITY FOUNDATION FOR REPLACEMENT OF THE GYM FLOOR AT THE BAY COUNTY COMMUNITY CENTER. THE CHAIRMAN OF THE BOARD IS

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AUTHORIZED TO SIGN ALL DOCUMENTS REQUIRED FOR THE GRANT APPLICATION ON BEHALF OF BAY COUNTY FOLLOWING LEGAL REVIEW/APPROVAL. THE GRANT AWARD, IF SUCCESSFUL, IS TO BE BROUGHT BACK TO THE FULL BOARD FOR FINAL APPROVAL. IT WAS SUPPORTED BY COMM. GWIZDALA AND PASSED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED - BESON.

MOTION 75: COMM. TILLEY MOVED THAT AS THE FREEDOM OF INFORMATION ACT (FOIA) CONTAINS A PROVISION IN THE LAW FOR AN APPEAL OF A RESPONSE, TO "RECEIVE" WRITTEN APPEAL OF A FOIA REQUEST AS STATED BY FOIA COORDINATOR, MARTHA FITZHUGH. IT WAS SUPPORTED BY COMM. KRYGIER AND CARRIED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED - BESON.

MISCELLANEOUS

COMM. KRYGIER WANTED TO ACKNOWLEDGE DEANNE BERGER, BOARD COORDINATOR, FOR THE GREAT JOB SHE DOES IN WRITING THE RESOLUTIONS AND THE MEANING PLACED BEHIND THEM WHEN READ BY THE COUNTY CLERK, CYNTHIA A. LUCZAK. HE WANTED TO SAY THANK YOU.

COMM. BEGICK ANNOUNCED HE IS POSTING A TRIP TO WASHINGTON, D.C. NOVEMBER 10-14, 2010 FOR THE VETERAN'S DAY CEREMONY. ANYONE WISHING TO ATTEND CAN CALL HIM AT, 686-0578.

ANNOUNCEMENTS

CHAIRMAN ELDER STATED THE FOLLOWING 2010 APPOINTMENTS:
1. OCTOBER - DEPARTMENT OF HUMAN SERVICES BOARD OF DIRECTORS, ONE (1) 3 YEAR TERM.
2. DECEMBER - DIVISION ON AGING ADVISORY COUNCIL, FIVE (5) 2 YEAR TERMS FOR DISTRICTS 2, 4, 6, 8 AND AT-LARGE.

CLOSED SESSION

MOTION 76: COMM. TILLEY MOVED THE FOLLOWING:

1. TO GO INTO CLOSED SESSION PURSUANT TO MCLA 15.268, SECTION 8(e): TO CONSULT WITH ITS ATTORNEY REGARDING TRIAL OR SETTLEMENT STRATEGY IN CONNECTION WITH SPECIFIC PENDING LITIGATION, BUT ONLY WHEN AN OPEN MEETING WOULD HAVE A

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DETRIMENTAL FINANCIAL EFFECT ON THE LITIGATING OR SETTLEMENT POSITION OF THE PUBLIC BODY.

2. TO GO INTO CLOSED SESSION REGARDING A MATTER AT THE BAY COUNTY HEALTH DEPARTMENT, TO CONFER WITH OUR ATTORNEY REGARDING WRITTEN OPINION OF COUNSEL SUBJECT TO ATTORNEY/CLIENT PRIVILEGE.

3. TO GO INTO CLOSED SESSION PURSUANT TO MCLA 15.268, SECTION 8(c): FOR STRATEGY AND NEGOTIATION SESSIONS WITH PERSONNEL AND EMPLOYEE RELATIONS DIRECTOR BRIAN REDMOND CONNECTED WITH THE NEGOTIATION OF A COLLECTIVE BARGAINING AGREEMENT WHEN EITHER NEGOTIATING PARTY REQUESTS A CLOSED HEARING.

IT WAS SUPPORTED BY COMM. COONAN AND ADOPTED BY A ROLL CALL VOTE OF:

8 YEAS - DURANCZYK, BEGICK, MAILLETTE, KRYGIER, COONAN, GWIZDALA, TILLEY AND ELDER.

0 NAYS

1 EXCUSED - BESON.

MOTION 77: COMM. TILLEY MOVED TO GO BACK TO REGULAR SESSION FOLLOWING CLOSED SESSION DISCUSSIONS REGARDING PENDING LITIGATION; A SUBJECT MATTER OF ATTORNEY/CLIENT PRIVILEGE; AND LABOR NEGOTIATIONS. IT WAS SUPPORTED BY COMM. KRYGIER AND PASSED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, AND 1 EXCUSED - BESON.

MOTION 78: COMM. TILLEY MOVED BY THE RECOMMENDATION OF MARTHA FITZHUGH, CORPORATION COUNSEL, THE BOARD AUTHORIZES GOING FORWARD WITH A MEDIATION SETTLEMENT AGREEMENT REGARDING EEOC CHARGE NUMBER 471-2010-02319, AS DISCUSSED IN CLOSED SESSION. IT WAS SUPPORTED BY COMM. DURANCZYK AND CARRIED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED - BESON.

MOTION 79: COMM. KRYGIER MOVED BY THE RECOMMENDATION OF MARTHA FITZHUGH, CORPORATION COUNSEL, THE BOARD MOVES TO SETTLE WITH THE STATE OF MICHIGAN REGARDING A CERTIFIED LEAD PROFESSIONAL IN THE BAY COUNTY HEALTH DEPARTMENT, AND TO AUTHORIZE PAYMENT OF MODIFIED STATE FINES UP TO THE AMOUNT OF \$2,400.00, AND TO ACCEPT AN AMENDED SUSPENSION OF CERTIFICATION FOR FIFTEEN (15) DAYS, NOT

ALREADY SERVED, AND TO AUTHORIZE THE BOARD CHAIR TO EXECUTE NECESSARY SETTLEMENT DOCUMENTATION. IT WAS SUPPORTED BY COMM. BEGICK AND ADOPTED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED - BESON.

NOTE: THE FOLLOWING TWO (2) RESOLUTIONS, 2010-206 AND 2010-207, WERE ORIGINALLY PASSED AS ONE (1) MOTION. HOWEVER, AFTER THE BOARD MEETING IT WAS DETERMINED THEY BE WRITTEN AS TWO (2) SEPARATE RESOLUTIONS.

RES. 2010-206: COMM. MOVED TO ADOPT RES. 2010-206 TO RATIFY THE TENTATIVE BAY COUNTY ASSOCIATION OF MANAGERS, PROFESSIONALS AND SUPERVISORS (BCAMPS) SUCCESSOR AGREEMENT FOR 2009-2011. FURTHER, TO AUTHORIZE THE BOARD CHAIRMAN TO SIGN THE SUCCESSOR AGREEMENT, CONTINGENT UPON EXECUTION BY ALL OFFICIAL REPRESENTATIVES OF THE BAY COUNTY ASSOCIATION OF MANAGERS, PROFESSIONALS, AND SUPERVISORS (BCAMPS), AS WELL AS ANY LETTERS OF UNDERSTANDING DERIVING FROM THE NEGOTIATION PROCESS. IT WAS SUPPORTED BY COMM. GWIZDALA AND PASSED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED - BESON.

RES. 2010-207: COMM. MOVED TO ADOPT RES. 2010-207 TO RATIFY THE TENTATIVE BAY COUNTY PUBLIC HEALTH REGISTERED NURSES ORGANIZATION SUCCESSOR AGREEMENT FOR 2009-2011. FURTHER, TO AUTHORIZE THE BOARD CHAIRMAN TO SIGN THE SUCCESSOR AGREEMENT, CONTINGENT UPON EXECUTION BY ALL OFFICIAL REPRESENTATIVES OF THE BAY COUNTY PUBLIC HEALTH REGISTERED NURSES ORGANIZATION, AS WELL AS ANY LETTERS OF UNDERSTANDING DERIVING FROM THE NEGOTIATION PROCESS. IT WAS SUPPORTED BY COMM. GWIZDALA AND CARRIED BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED - BESON.

RECESS/ADJOURNMENT

MOTION 80: COMM. TILLEY MOVED TO ADJOURN THE REGULAR BOARD SESSION OF SEPTEMBER 14, 2010. IT WAS SUPPORTED BY COMM. GWIZDALA. THE MEETING CONCLUDED AT 5:40 P.M. BY A VOICE VOTE OF: 8 YEAS, 0 NAYS, 1 EXCUSED - BESON.

BRIAN K. ELDER, CHAIRMAN
BOARD OF COMMISSIONERS

CYNTHIA A. LUCZAK, COUNTY CLERK
BOARD OF COMMISSIONERS

SHEILA E. SHAW
SECRETARY TO THE CLERK
BOARD OF COMMISSIONERS